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(Subject/Agency index at back of issue) This issue contains documents officially filed not later than November 20, 1985

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) Proposed rules are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) Adopted rules have been permanently adopted and are set forth in ten point type.
- (c) Emergency rules have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections
 - (i) underlined matter is new matter;
 - (ii) deleted matter is ((lined out and bracketed between double parentheses));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1985-1986 Dates for register closing, distribution, and first agency action

| First Agency Action Date ³ | |
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| Sep 9 | |
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| Oct 7 | |
| Oct 21 | |
| Nov 4 | |
| Nov 25 | |
| Dec 9 | |
| Dec 23 | |
| Jan 6, 1987 | |
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¹All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 85-23-001 ADOPTED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-242, Cause No. U-85-56—Filed November 7, 1985]

In the matter of amending WAC 480-120-011, 480-120-021, 480-120-031, 480-120-041, 480-120-042, 480-120-056, 480-120-088 and adopting WAC 480-120-022, 480-120-023, 480-120-024 and 480-120-025, relating to telecommunications companies.

This action is taken pursuant to Notice No. WSR 85-18-081 filed with the code reviser on September 4, 1985, and Notice No. WSR 85-21-026 filed October 10, 1985. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and chapter 450, Laws of 1985, and is intended administratively to implement those statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice Nos. WSR 85-18-081 and 85-21-026 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, November 6, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioner Robert W. Bratton.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to November 1, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, November 6, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the November 6, 1985, meeting the commission considered the rule change proposal. No written or oral comments were presented.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-011, 480-120-021, 480-120-031, 480-120-041, 480-120-042, 480-120-056 and 480-120-088 should be amended and WAC 480-120-022, 480-120-023, 480-120-024 and 480-120-025 should be adopted to read as set forth in Appendix A shown below and by this reference made a part hereof. These rules as amended and adopted will provide a procedure for classification of telecommunications companies and telecommunications services as contemplated by sections 4 and 5, chapter 450, Laws of 1985. Upon classification pursuant to the statutes and rules, telecommunications companies may be relieved of some regulatory burdens that would otherwise be applicable under chapter [Title] 80 RCW.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480–120–011, 480–120–021, 480–120–031, 480–120–041, 480–120–042, 480–120–056 and 480–120–088 be amended and WAC 480–120–022, 480–120–023, 480–120–024 and 480–120–025 be adopted as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1–12 WAC.

DATED at Olympia, Washington, this 6th day of November, 1985.

Washington Utilities and Transportation Commission Sharon L. Nelson, Chairman Robert W. Bratton, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-011 APPLICATION OF RULES. These rules and regulations shall govern the furnishing of intrastate ((telephone)) telecommunications service and facilities to the public by ((telephone)) telecommunications companies subject to the jurisdiction of the commission, such public service company hereinafter referred to as "utility." The purpose of these rules is to set forth reasonable service standards to the end that modern, adequate, efficient and sufficient ((telephone)) telecommunications service will be rendered to the public.

The effective tariff provisions filed by utilities shall conform to these rules. In event of acceptance of a tariff which is in conflict with these rules, such acceptance will not be deemed a waiver of these rules. Tariffs which are in conflict with these rules are hereby superseded unless the commission authorizes the deviation in writing.

Cases of erroneous or doubtful interpretation of these rules by a utility or subscriber are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any utility, the commission may waive or modify, as to that utility, the provisions of any rules herein, except when such provisions are fixed by statute.

No deviation of these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 80.04 RCW.

AMENDATORY SECTION (Amending Order R-131, Cause No. U-79-42, filed 9/18/79)

WAC 480-120-021 GLOSSARY. Applicant – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device – any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
 - (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area – the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office – a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission – the Washington utilities and transportation commission.

Competitive telecommunications company – a telecommunications company which is classified as such by the commission pursuant to section 4, chapter 450, Laws of 1985.

Competitive telecommunications service – a service which is classified as such by the commission pursuant to section 5, chapter 450, Laws of 1985.

Customer - user not classified as a subscriber.

Exchange – a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area – the specific area served by, or purported to be served by an exchange.

Farmer line – outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a ((telephone utility)) telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station – a telephone instrument installed and in use on a farmer line.

Outside plant – the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Station – a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

NEW SECTION

WAC 480-120-022 CLASSIFICATION PRO-CEEDINGS. (1) Rules of practice and procedure applicable. The rules of practice and procedure before the commission, chapter 480-08 WAC, shall apply generally to proceedings to classify a telecommunications company as a competitive telecommunications company or a service as a competitive telecommunications service.

- (2) Initiation of classification proceedings. A telecommunications company shall initiate a classification proceeding by filing a petition with the commission. The commission may initiate a classification proceeding on its own motion by order instituting investigation.
- (3) Notice to affected companies and public counsel. The commission shall serve a copy of the petition or its order upon all telecommunications companies which may be affected by the proceeding, and upon the public counsel section of the office of the attorney general. Service by the commission shall be made as provided in WAC 480-08-060(4). Alternatively, the commission may direct petitioner to serve a copy of the petition upon such parties as the commission directs. Service by petitioner shall be made in accordance with WAC 480-08-060(3).
- (4) Notice to customers of classification proceeding. The commission may require a telecommunications company to give notice of the pendency of the classification proceeding. The commission shall determine the manner and distribution of notice.
- (5) Appearances and intervention. Any person desiring to participate in a classification proceeding may petition to intervene as provided in WAC 480-08-070.
- (6) Commission may require appearance. In any classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine their classification.
- (7) Burden of proof. In any classification proceeding, the telecommunications company shall have the burden of demonstrating that the company or services at issue are subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:
- (a) The number and size of alternative providers of services;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

A telecommunications company will not be classified as competitive unless it demonstrates that the telecommunications services it offers are subject to effective competition.

NEW SECTION

WAC 480-120-023 CONTENT OF PETITION FOR CLASSIFICATION OF COMPETITIVE TELE-COMMUNICATIONS SERVICES AND COMPANIES. In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

- (1) Name and address of the petitioner;
- (2) A description of the services it offers;
- (3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010:
- (4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:
- (a) Descriptions of all services in the petitioner's definition of the relevant market for the service;
- (b) Names and addresses of all providers of such services known or reasonably knowable to the petitioner;
- (c) Prices, terms, and conditions under which such services are offered to the extent known or reasonably knowable to the petitioner;
 - (d) A geographical delineation of the relevant market;
- (e) An estimate of petitioner's market share and any past or projected change in market share;
 - (f) A description of ease of entry into the market;
- (g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;
- (h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement:
- (i) The manner by which notice of price list changes will be provided to customers and the commission.

NEW SECTION

WAC 480-120-024 WAIVER OF REGULATORY REQUIREMENTS FOR COMPETITIVE TELE-COMMUNICATIONS COMPANIES. (1) The commission may waive in writing regulatory requirements for competitive telecommunications companies if it is determined that competition will serve the same purposes as public interest regulation.

(2) Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for

waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.

(3) The commission may revoke waivers of regulatory requirements in the same manner in which they were granted if such revocation would protect the public interest.

NEW SECTION

WAC 480-120-025 INVESTIGATIONS. (1) Information to the commission. The commission may require competitive telecommunications companies or telecommunications companies providing competitive services to submit periodically information relating to the factors set forth in WAC 480-120-027(7).

- (2) Reclassification. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if such reclassification would protect the public interest. In any such hearing the burden shall rest on the telecommunications company to demonstrate that the existing classification is proper and consistent with the public interest.
- (3) Refunds. If the commission finds after notice and hearing that any class of subscribers to a noncompetitive telecommunications service has paid excessive rates because of below cost pricing of competitive telecommunications services, the commission may order refunds or credits.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-031 ACCOUNTING. The "Uniform System of Accounts for Class A and Class B Telephone Companies" published by the Federal Communications Commission (FCC) and designated as Volume VIII, Part 31, is hereby prescribed for use of ((telephone utilities)) telecommunications companies in the state of Washington, except as provided for competitive telecommunications companies in WAC 480-120-033.

((Telephone utilities)) Telecommunications companies operating within this state shall be classed by revenue as follows:

Class Annual Gross Operating Revenue

A Exceeding \$100,000 B \$100,000 or less

Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of ((telephone)) telecommunications companies: PRO-VIDED, That the commission is notified promptly of such action. Such companies are required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

Any provisions contained in the Uniform System of Accounts adopted in paragraph one above which is contrary to paragraph two and three above are hereby deleted.

The Annual Report Form (FCC Form "M") promulgated by the Federal Communications Commission

(FCC) is hereby adopted for purposes of annually reporting to this commission by all ((telephone)) telecommunications companies.

Any deviation from the Uniform System of Accounts and the Annual Report forms adopted and published by the FCC will only be accomplished after due notice and order by this commission.

The total company results of operations reported by each ((telephone utility)) telecommunications company in its annual report shall agree with the results of operations shown on its books and records.

All ((telephone utilities)) telecommunications companies having multi-state operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

All ((telephone utilities)) telecommunications companies having multi-state operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission.

The Annual Budget of Expenditures Form for budgetary reporting by all ((telephone)) telecommunications companies having \$25,000 or more in annual revenue will be published by this commission in accordance with chapter 480–140 WAC. Any change to these forms will only be accomplished after due notice and order of this commission.

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-041 AVAILABILITY OF INFOR-MATION. Each utility shall make known to applicants for service and to its subscribers such information as is needed to assist in obtaining adequate and efficient service.

Information relative to the rates, and rules and regulations (filed tariffs) of the ((telephone)) telecommunications company shall be made available to the public upon request at any of its listed business offices. In addition, each ((telephone)) telecommunications company shall publish in its directory a consumer information guide which details the rights and responsibilities of a utility customer. Such guide shall describe processes for establishing credit and determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility first by procedures within the utility and then to the commission by formal or informal complaint.

A copy of these rules (chapter 480-120 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its subscribers or their representatives upon request.

AMENDATORY SECTION (Amending Order R-92, filed 2/9/77)

WAC 480-120-042 DIRECTORY SERVICE, A telephone directory shall be regularly published for each exchange, listing the name, address (unless omission is requested), and telephone number of the subscribers who can be called in that exchange, except those subscribers who have a nonlisted or nonpublished telephone number. Any subscriber to residential service may request a dual name primary directory listing which contains, in addition to the subscriber's surname, the given names or initials (or combination thereof) of the subscriber and (1) one other person with the same surname who resides at the same address; or (2) a second name, other than surname, by which the subscriber is also known, including the married name of a woman whose husband is deceased. Any additional directory listing requested by a subscriber pursuant to tariff provision shall also reflect said dual name listing if requested by the subscriber. (Each subscriber to residential service as of the effective date of this rule shall be entitled for a six month period to request on a one-time basis at no cost a change in the manner of listing the subscriber's name to the dual name listing provided for above, so long as there has been no other change requested and made in the subscriber's directory listing since the effective date.)

A copy of any required directory shall be furnished each subscriber in each exchange. If that directory does not also contain such listings for all subscribers who can be called toll free from that exchange (excluding WATS), a copy of the directory or directories required for that coverage shall be furnished each subscriber upon request and without charge. If anyone requests a directory other than the one(s) provided for above, the company may apply a charge equal to, but not to exceed, its actual cost for the directory, plus freight, postage, and \$0.50.

Normally, telephone directories shall be revised annually; otherwise they shall be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. Exemptions from these requirements may be allowed by the commission upon application if it can be shown that it is unnecessary to revise the directory within the specified time limit for good cause and/or due to a relatively small number of changes resulting from new listings or changed numbers and if the exchange is equipped for adequate intercept in the case of dial exchanges.

In the event of an error in the listed number of any subscriber, the ((telephone)) telecommunications company shall, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, providing that this is permitted by existing central office equipment and the incorrectly listed number is not a number presently assigned to another subscriber. In the event of an error or omission in the name listing of a subscriber, such subscriber's correct name and telephone

number shall be maintained in the files of the directory assistance operator, and the correct number shall be furnished the calling party upon request.

Whenever a subscriber's telephone number is changed for any reason after a directory is published, the utility shall intercept all calls to the former number, if existing office equipment will permit, for a minimum period of thirty days or until a new directory is published, and give the calling party the new number for that subscriber unless the subscriber has requested that such referral not be made.

When additions or changes to plant or records are scheduled which will necessitate a large group of number changes, a minimum of six months notice shall be given to all subscribers then of record and so affected even though the additions or changes may be coincidental with the issuance of a new directory.

AMENDATORY SECTION (Amending Order R-219, Cause No. U-84-69, filed 2/1/85)

WAC 480-120-056 DEPOSITS. (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following subparagraphs (a), (b), or (c), subject to the provisions of subsection (3) of this section:

- (a) Prior service with the utility in question of at least twelve months duration, ending no longer than one year prior to the date of application if service was not disconnected for failure to pay and no more than two delinquency notices were served upon the customer, or
- (b) Prior service with a utility of the same type as that of which service is sought for at least twelve consecutive months with a satisfactory payment record as demonstrated in (1)(a) of this subsection: PROVIDED, That the reference may be quickly and easily checked, and the necessary information is provided, or
- (c) Demonstrate three of the credit factors from the following factors:
- (i) Full-time consecutive employment, with no more than two employers, or a regular source of income during the entire twenty-four months prior to the application for service, and the applicant is currently employed or has a regular source of income; or the applicant has a permanent, regular source of income.
 - (ii) Ownership of the premises to be served.
 - (iii) Has a savings account.
 - (iv) Has been issued a major charge card.
 - (v) Has been issued a major oil charge card.
 - (vi) Has been issued a local charge card.
- (2) Establishment of credit nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.
- (3) Deposit requirements. A deposit may be required under the following circumstances:
- (a) Where the applicant has failed to establish a satisfactory credit history as outlined above.
- (b) In any event, a deposit may be required when, within the twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing

- for service from the utility to which application is being made or any other ((telephone)) telecommunications company; or where three or more delinquency notices have been served upon the applicant by any other ((telephone)) telecommunications company during the twelve months previous to the application for service.
- (c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.
- (d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid. overdue balance owing for the same class of telephone service from the utility providing that service, or any other ((telephone)) telecommunications company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.
- (e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5 p.m. of the first business day following notification.
 - (4) Amount of deposit.
- (a) In instances where a deposit may be required by the utility, the deposit shall not exceed:
- (i) For nonresidential service, two-twelfths of estimated annual billings:
- (ii) For residential service, two months customary utilization for applicants or subscribers with previous verifiable service, or two months new line billings for all other residential subscribers in a reasonable amount established in the tariffs of the utility, based upon data presented for commission review.
- (b) Subscribers whose toll charges exceed the estimated amount by twenty dollars or by twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, or whose estimated toll or customary utilization is not available and the toll charges exceed fifty percent of the two months new line billing for all utility subscribers of the same class of service as established in the tariffs of the utility, may be required, upon written or verbal notice to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:
- (i) Full payment of outstanding toll charges specified in said notice; or all toll charges accrued to the time of

payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.

- (ii) Payment of a new or additional deposit in light of the subscriber's actual use based upon two months customary utilization.
- (c) If the notice herein described is mailed, receipt may be presumed open the forth business day following date of mailing.
- (d) At the time application is made for service, the utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by twenty dollars or twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.
- (5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.
- (6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.
- (7) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.
- (8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection (9), alternative to deposit, of this section.

- (9) Alternative to deposit. A residential subscriber or applicant for residential service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to furnish a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of deposit which may be required.
- (10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.
- (11) Refund of deposit. Deposits shall be refunded under the following circumstances in the following form:
- (a) Satisfactory payment. Where the subscriber has for twelve consecutive months paid for service when in a prompt and satisfactory manner as evidenced by the following:
- (i) The utility has not initiated disconnection proceedings against the subscriber.
- (ii) No more than two notices of delinquency have been made to the subscriber by the utility.
- (b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.
- (c) Refunds how made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than fifteen days following completion of twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the thirteenth and, if appropriate, subsequent months, in accordance with the preference as to of refund indicated by the subscriber at the time of deposit, or as thereafter modified.
- (12) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-212, Cause Nos. U-83-51 and U-83-56, filed 4/17/84)

WAC 480-120-088 AUTOMATIC DIALING-ANNOUNCING DEVICES. An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:

- (1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or
- (2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:
- (a) States the nature and length in minutes of the recorded message; and
- (b) Identifies the caller and the individual, business, group, or organization for whom the call is being made and a telephone number to which a return call can be placed; and
- (c) Asks the called party whether he or she is willing to listen to the recorded message; and

- (d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message; or
 - (3) An ADAD may be used if the recorded message:
- (a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and
- (b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.
- (c) An emergency ADAD may be connected to the telephone network only under the following conditions:
- (i) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.
- (ii) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.
- (iii) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.
- (iv) The ADAD satisfies applicable state safety requirements.
- (v) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument: PROVIDED, That the user shall not program the instrument to dial police or 911 emergency response numbers.

As to any ADAD, provision must be made to preclude the dialing of unlisted telephone numbers and the dialing of designated public service emergency telephone numbers as listed in published telephone directories and to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m., except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.

Before any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the ((telephone utility)) telecommunications company in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business,

group, or organization operating such ADAD, their address and associated telephone number.

The ((telephone utility)) telecommunications company shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a ((telephone)) telecommunications company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

Except for an ADAD designed to deliver a message in response to an emergency situation, no ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to unlisted telephone numbers, to designated public service emergency numbers, or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.

The ((telephone utility)) telecommunications company shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given eight business days' notice or with no prior notice if use of the ADAD creates overloading in a ((telephone)) telecommunications company switching office.

WSR 85-23-002 ADOPTED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-244, Cause No. TV-1913—Filed November 7, 1985]

In the matter of amending WAC 480-12-190 relating to motor carriers; 480-30-100 relating to auto transportation companies; 480-40-070 relating to passenger charter carriers; and 480-70-330 relating to garbage and/or refuse collection companies.

This action is taken pursuant to Notice No. WSR 85-20-104 filed with the code reviser on October 2, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-20-104 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, November 6, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioner Robert W. Bratton.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to November 1, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, November 6, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the November 6, 1985, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-190, 480-30-100, 480-40-070 and 480-70-330 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. The amendment to WAC 480-12-190, 480-30-100, 480-40-070 and 480-70-330 will update the present rules which adopt federal DOT standards for drivers' hours of service and drivers' logs. The major impact of the updating will be in the area of maintaining and preparing log books and reducing on duty time for driving within the 100-mile radius zone from 15 to 12 consecutive hours.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-190, 480-30-100, 480-40-070 and 480-70-330 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FÜRTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1–12 WAC.

DATED at Olympia, Washington, this 6th day of November, 1985.

Washington Utilities and Transportation Commission Sharon L. Nelson, Chairman Robert W. Bratton, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-196, Cause No. TV-1674, filed 2/23/83)

WAC 480-12-190 HOURS OF SERVICE—ON DUTY—ADOPTION OF FEDERAL SAFETY REGULATIONS. The rules and regulations adopted by the United States department of transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 1, ((1983)) 1985, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW, except:

- (1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.
- (2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.
- (3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.
- (4) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, Part 395, adopted in this section, such term shall mean a motor vehicle that:
- (a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or
- (b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:
- (c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

AMENDATORY SECTION (Amending Order R-241, Cause No. TC-1904, filed 9/25/85)

WAC 480-30-100 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

- (2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW except:
- (a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.
- (b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.
- (c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.
- (3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.
- (4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.
- (5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395, as well as and including all appendices and amendments thereto in effect on January 1, ((1983)) 1985, are adopted and prescribed by the commission to be observed by all auto transportation companies or excursion service companies operating under chapter 81.68 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.
- (6) No driver or operator of any motor vehicle used in the transportation of passengers shall refuse to carry any person offering himself or herself at a regular stopping place for carriage and who tenders the regular fare to any stopping place on the route of said motor vehicle, or between the termini thereof, if allowed to carry passengers to such point under the certificate for such route: PROVIDED, HOWEVER, That the driver or operator

of such motor vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane language, who is suffering from a contagious disease, or whose condition is such as to be obnoxious to passengers on such motor vehicle. A driver is responsible for the comfort, safety and peace of mind of his passengers to the extent that he should be constantly on the alert for and immediately correct any act of misconduct on the part of occupants of the vehicle.

(7) No auto transportation company or excursion service company operating any motor vehicle used in the transportation of persons, shall permit smoking on said vehicle either by passengers or other persons while present in said motor vehicle.

Auto transportation companies and excursion service companies shall place suitable signs in buses, of sufficient size and number to adequately inform passengers that smoking is not permitted in the motor vehicle.

- (8) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no paying passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.
- (9) The front seat of all passenger carrying vehicles, if connected with the driver's seat, shall be considered as an emergency seat and no passenger will be allowed to occupy the same unless all of the other seats of such vehicle are fully occupied. In no case shall more than one passenger be allowed to occupy the front seat of any motor vehicle unless such seat is forty-eight or more inches in width in the clear. No passenger shall be allowed to sit in the front seat to the left of the driver.
- (10) No motor vehicle used for the transportation of passengers shall carry or transport any baggage, trunk, crate or other load which shall extend beyond the running board of said motor vehicle on the left side.
- (11) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it
- (12) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company or excursion service company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this

section, shall be maintained in the main office of the carrier subject to inspection by the commission.

- (13) Auto transportation companies or excursion service companies transporting passengers shall maintain such comfort stations in a clean and sanitary condition along its line or route, and shall make such regular stops thereat as shall be necessary to care properly for the comfort of its patrons.
- (14) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-198, Cause No. TCH-1685, filed 2/23/83)

WAC 480-40-070 OPERATION OF MOTOR VEHICLES. (1) All motor vehicles shall be operated in accordance with the requirements of existing state laws and no driver or operator thereof shall operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the highway by others, or so as to endanger the life and limb of any person.

- (2) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on January 1, 1983, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW except:
- (a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.
- (b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.
- (c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.
- (3) No driver or operator of a motor vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.
- (4) No driver or operator of a motor vehicle shall create any disturbance or unnecessary noise to attract persons to the vehicle.
- (5) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code

- of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 1, ((1983)) 1985, are adopted and prescribed by the commission to be observed by all charter party carriers of passengers operating under chapter 81.70 RCW, except that the radius distance identified in paragraph (f) of section 395.8 shall be one hundred miles.
- (6) No motor vehicle used in the transportation of persons shall carry more persons than one hundred fifty percent of its rated carrying capacity but no passenger shall be required to stand for a distance in excess of twenty miles. The commission may amend, rescind or grant exceptions to this rule in the event of emergency.
- (7) Except when specially authorized by the commission, no motor vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto; except in case a vehicle becomes disabled while on a trip and is unable to be operated by its own power, such disabled vehicle may be towed without passengers to the nearest point where repair facilities are available. No right-hand drive vehicle shall be used except by special authorization of the commission and then only when equipped as directed by it.
- (8) Accidents occurring in this state arising from or in connection with the operations of any charter party carrier of passengers operating under chapter 81.70 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-206-753-6411. Copies of written reports of all accidents, including those described in this section, shall be maintained in the main office of the carrier subject to inspection by the commission.
- (9) Charter party carriers transporting passengers shall maintain busses in a clean and sanitary condition and shall make such stops as shall be necessary to care properly for the comfort of their patrons.
- (10) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsections (2) and (5) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

AMENDATORY SECTION (Amending Order R-194, Cause No. TG-1686, filed 2/23/83)

WAC 480-70-330 DRIVERS, HOURS OF WORK. (1) The rules and regulations relating to drivers' logs and drivers' hours of service adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 395, as well as and including all appendices and amendments thereto in effect on January 1, ((1983)) 1985, are adopted and prescribed by the commission to be observed by all garbage

and/or refuse collection companies operating under chapter 81.77 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 85-23-003 NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY

[Memorandum—November 5, 1985]

The Western Library Network Computer Service Council will hold its next meeting on December 3, 1985, in Room 47-A of the World Trade Center, Sea-Tac main terminal, beginning at 10:00 a.m.

WSR 85-23-004 NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY

(Library Commission)

[Memorandum-November 5, 1985]

The Washington State Library Commission will hold its next meeting in the Sea-Tac Auditorium, Sea-Tac main terminal, on December 5, 1985, beginning at 10:00 a.m.

WSR 85-23-005 **EMERGENCY RULES DEPARTMENT OF FISHERIES**

[Order 85-180-Filed November 7, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia. Washington, the annexed rules relating to personal use rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of chinook salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED November 7, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-57-28500G HUMPTULIPS RIVER. Notwithstanding the provisions of WAC 220-57-285. effective immediately through January 31, 1986 in those waters of the Humptulips River downstream from the Highway 101 Bridge: Bag limit A except that no more than one chinook salmon greater than 24 inches in length may be retained.

WSR 85-23-006 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT (Community Economic Revitalization Board)

[Memorandum-November 7, 1985]

The schedule of the 1986 regular meetings of the Community Economic Revitalization Board is as follows:

> January 16, 1986 April 17, 1986 July 17, 1986 October 16, 1986

The meetings will be held in the Host International Auditorium at Sea-Tac International Airport.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Brailled or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested with adequate notice. Such requests should usually be made at least ten working days in advance of the scheduled meeting date, and should be addressed to:

> CERB Administrator Community Economic Revitalization Board c/o Department of Trade and Economic Development 101 General Administration Building Olympia, WA 98504 (AX-13) Phone (206) 753-3065

WSR 85-23-007 **EMERGENCY RULES DEPARTMENT OF FISHERIES**

[Order 85-181-Filed November 8, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I. William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 10 provide protection for summer/fall chinook and chum returning to Suquamish Hatchery. Restrictions in the Skagit River provide protection for coho and spawning salmon stocks. Restrictions in the Samish River and Area 7C provide protection for natural coho and chum after high hatchery harvest rate in marine waters. Restrictions in Areas 10C, 10D and the Cedar River protect Lake Washington origin sockeye. Restrictions in Area 7 and 7A protect Fraser River origin chum. Restrictions in Area 12C protect chum returning to Hoodsport and Enetai hatcheries.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED November 8, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-28-522 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS. Effective November 10, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 7 and 7A – Effective through December 7, closed to all commercial fishing.

Area 10 – Effective through December 31, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock

Area 10C and Cedar River – Closed to all commercial fishing until further notice.

Area 10D – Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.

Area 7C and Samish River – Closed to all commercial fishing until further notice.

Area 12C – Effective through November 30, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodsport Marina Dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.

*Skagit River (between Hamilton Boat Launch and the Baker River) - Effective through November 16, closed to all commercial fishing.

*Skagit River (upstream of the Baker River) – Closed to all commercial fishing until further notice.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 10, 1985.

WAC 220-28-521 PUGET SOUND COMMER-CIAL SALMON FISHERY RESTRICTIONS (85-174)

WSR 85-23-008 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-182—Filed November 8, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is openings in Areas 7B and 8 provide opportunity to harvest non-Indian share of chum. All other marine and freshwater areas are closed to prevent overharvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 8, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-47-620 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective November 10, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 7B - Closed except gill nets using 6-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, the night of November 11 through the morning of November 13, and purse seines may fish from 5:00 AM to 8:00 PM daily, November 11 and 12. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

*Area 8 – Closed except gill nets using 6-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, the night of November 11 through the morning of November 13, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, November 11 and 12. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307. Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 10, 1985.

WAC 220-47-619 PUGET SOUND COMMER-CIAL FISHERY RESTRICTIONS (85-175)

WSR 85-23-009 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-183-Filed November 8, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is provides management information on the squid fishery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED November 8, 1985.

By Russell W. Cahill for William R. Wilkerson Director

NEW SECTION

WAC 220-52-06600H SQUID FISHERY. Notwithstanding the provisions of WAC 220-52-066, effective immediately until further notice a squid fishery is authorized within Port Angeles Harbor for vessels using no more than two brailles less than ten feet in diameter and lights not exceeding 1,000 watts. It is unlawful to fish within seventy-five feet of docks, piers, or shore except between the hours of midnight and 6:00 a.m., Monday through Thursday of each week. Fishermen participating in this fishery must complete a Department of Fisheries squid harvest log and return the completed log to the Department each week postmarked no later than midnight Firday of each week fished.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 85-23-010 NOTICE OF PUBLIC MEETINGS GRAYS HARBOR COLLEGE

[Memorandum-November 7, 1985]

The 1986 regular meeting dates of the board of trustees of Grays Harbor College are as follows:

January 20, 1986 March 17, 1986 May 19, 1986 September 15, 1986 November 17, 1986

All regularly scheduled meetings of the board will be at 8:00 p.m. in the Conference Room of the Administration Building of the college.

WSR 85-23-011 NOTICE OF PUBLIC MEETINGS UTILITIES AND TRANSPORTATION COMMISSION

[Memorandum-November 12, 1985]

Notice is hereby given that commencing January 1, 1986, and continuing for the balance of 1986, the time and place of meetings are as follows:

Regular public meetings of the commission shall be held each Wednesday, commencing at 9:00 a.m., in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

WSR 85-23-012 NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY

[Memorandum-November 13, 1985]

Whereas, the requirements under WAC 516-04-010 and the board of trustees handbook require that regular meetings of the board of trustees be held on the first Thursday of each month unless such date is changed by board resolution at a meeting regularly scheduled or called for that purpose; and

Whereas, the members of the board of trustees of Western Washington University desire to hold the regular meeting for the month of December 1985, on Wednesday, December 4, instead of Thursday, December 5, 1985; and

Whereas, the board of trustees also desires to set the place of the December 1985, out of town meeting to Olympia, Washington.

Now, Therefore, Be It Resolved that the board of trustees of Western Washington University will meet for the regular meeting for the month of December 1985, on Wednesday, December 4, 1985, at 1:30 p.m., at the Secretary of State's Office, 2nd Floor, Legislative Building, Olympia, Washington.

Passed And Approved by the board of trustees of Western Washington University at the regular meeting thereof duly held this 7th day of November, 1985.

WSR 85-23-013 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning prevailing wages, chapter 296-127 WAC. The 1985 legislature, in chapter 15, Laws of 1985 (SHB 16), amended the prevailing wage law, chapter 39.12 RCW, to strengthen the remedies available for workers who have not received the prevailing wage on public works projects. The legislature also gave the department greater responsibility to enforce the law and to act on behalf of workers. The proposed rules are intended to implement the new law and to clarify certain aspects of the current rules. WAC 296-127-010 and 296-127-020 define terms used in chapter 296-127 WAC and in chapter 39.12 RCW. WAC 296-127-130 through 296-127-170 set out the procedures for issuance of a notice of violation, appeal of the notice, and hearing on the appeal. The procedures are designed to be used with the uniform procedure rules in chapter 1-08 WAC. The uniform procedure rules are adopted by reference. When a contractor has not paid its employees the prevailing wage, RCW 39.12. (section 2, chapter 15, Laws of 1985) requires the department first to prove that the contractor violated the law and then to bring actions against the contractor's retainage and bonds to recover the unpaid wages. To ensure that the department does not need to prove the violations anew in the actions against the retainage bonds, WAC 296-127-150 (4) and (5) require the department to give the contractor's surety companies a copy of the notice of violation and gives the sureties a right to appeal. WAC 296-127-180 provides that the final decision on the notice of violation will be binding on the sureties as well as the contractor. In this fashion, the department believes that any secondary actions necessary to recover from the bonds can be resolved upon motion for summary judgment. WAC 296-127-190 makes it clear that the department can file liens against a contractor's retainage and surety bonds. WAC 296-127-200 explains when the director may require a contractor to post an additional surety bond as allowed by RCW 39.12.___ (2)(c) (section 2 (2)(c), chapter 15, Laws of 1985). WAC 296-127-220 describes the method the department shall use to distribute recoveries of unpaid wages. WAC 296-127-310 provides that the department shall keep a list of debarred contractors and shall, to the extent possible, refuse to certify any statement of intent to pay prevailing wages submitted by a debarred contractor. WAC 296-127-320 requires a contractor to keep certain payroll records and to provide a certified copy of the records, on request, to the department and to the awarding agency.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 22, 1985.

The authority under which these rules are proposed is RCW 39.12. (section 2, chapter 15, Laws of 1985), 39.12.050 and 43.22.270.

The specific statute these rules are intended to implement is RCW 39.12. (section 2, chapter 15, Laws of 1985) and 39.12.050.

This notice is connected to and continues the matter in Notice No. WSR 85-20-129 filed with the code reviser's office on October 2, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

WSR 85-23-014 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF NATURAL RESOURCES (Board of Natural Resources)

[Memorandum-November 13, 1985]

The Board of Natural Resources will convene a special meeting by telephone conference on November 15, 1985, at 9:15 a.m. for the purpose of consideration of approval of a settlement agreement involving timber

contract defaults. The telephone conference will originate in the office of the Commissioner of Public Lands and persons interested may listen in.

WSR 85-23-015 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(General Provisions)

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning labor camp certification of occupancy, new WAC 440-44-100;

that the agency will at 10:00 a.m., Thursday, January 16, 1986, in the Auditorium, Cascade Natural Gas, 614 North Mission, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 29, 1986.

The authority under which these rules are proposed is RCW 43.20A.055.

The specific statute these rules are intended to implement is RCW 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 16, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753–7015 by January 2, 1986. The meeting site is in a location which is barrier free.

Dated: November 13, 1985 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: New WAC 440-44-100.

Purpose of the Rule or Rule Change: To establish fees for labor camp certificates of occupancy.

Reason These Rules are Necessary: To establish a fee schedule for labor camp certificates of occupancy.

Statutory Authority: Chapter 42.20A [43.20A] RCW. Summary of the Rule or Rule Change: Establishes labor camp certificate of occupancy fees.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: William F.

Miller, Section Head, Environmental Health Services Section, Environmental Health Programs, phone 753-5958, mailstop LD-11.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

The subject rules are not compliance regulations. The fees are necessary to carry out the provisions of chapter 248-63 WAC, standards for labor camps, as enforced by DSHS. The labor camp certificate of occupancy fees are based upon a basic inspection cost and the number of housing units in the camp to recover costs to the department for the required regulatory activity. This new rule will have no adverse economic impact on small businesses; therefore, no economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 440-44-100 LABOR CAMP CERTIFICATE OF OCCU-PANCY FEES. Labor camps regulated by the department pursuant to chapter 248-63 WAC shall be assessed fees on an annual basis. Upon payment of said fee, an annual labor camp certificate of occupancy may be issued by the department provided all other requirements of chapter 248-63 WAC are met. Fees are due with application for initial certification or renewal. The annual fee for a certificate of occupancy for a labor camp shall be a flat fee of fifty-five dollars plus two dollars per each dwelling unit in camps having five through one hundred units and one dollar per each dwelling unit in excess of one hundred units. Each recreational vehicle space, campground space, or other area set aside and/or provided to accommodate a temporary worker supplied shelter shall constitute a separate dwelling unit: PROVIDED HOW-EVER, for fee purposes only, a space or spaces provided exclusively for a temporary worker-owned, self-contained recreational vehicle shall not be considered a dwelling unit. A building or each part of a building intended for occupancy by one family or one tenant shall constitute a separate dwelling unit. Each seventy square feet of gross floor space in dormitories shall constitute one dwelling unit. A labor camp may be assessed the flat fee of fifty-five dollars for each separate and distinct cluster of dwelling units which has its own supportive facilities.

This section does not apply to labor camps regulated by local health officers in accordance with WAC 248-63-020.

WSR 85-23-016 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Overpayment—Repayment, amending chapter 388-44 WAC;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

Dated: November 8, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Re: Amendment to chapter 388-44 WAC,

Overpayments.

Purpose of the Rule or Rule Change: To reflect changes in both state and federal law, and to clarify ex-

isting policies on overpayments.

Reasons These Rules are Necessary: The reason for the proposed changes in chapter 388-44 WAC is to make several substantive as well as editorial changes. The specific changes and reason for these changes are as follows: WAC 388-44-010(2), clarifies that overpayments are not limited to the specific examples cited; 388-44-010(7), clarifies the definition of the payment level as it pertains to the grant payment standard. Defines payment level as the grant payment standard plus authorized additional requirements; 388-44-025, deletes entire section. Information is unnecessary since no distinction is needed for overpayments which occur after April 3, 1982. See comments for WAC 388-44-127; 388-44-035 (1) and (2), these subsections have been modified to delete procedural information in WAC 388-44-035 (1)(b)(ii). Subsection (2) adds additional information on the treatment of the fifty dollar refund of child support as it relates to the reduction of overpayments due to the collection of excess child support; 388-44-110(3), this new subsection allows the department to waive collection of unintentional overpayments less than thirty-five dollars provided the client is not a current grant recipient. This is a new option available to states with passage of the Deficit Reduction Act of 1984; 388-44-115(4), this subsection is expanded to clarify that information about civil collection actions are required in all overpayment letters and not just for overpayments caused by intentional client error; 388-44-125(3), the reference to inequitable recovery is being removed. See comments in WAC 388-44-127; 388-44-125(5), this subsection is being modified to comply with federal regulations which require all overpayments to be recovered promptly when the monthly grant deduction is less than ten percent; 388-44-127, this section is being removed. The state law requiring a determination of inequitable recovery was eliminated in April 1982. Federal regulations require all overpayments to be pursued except for certain unintentional overpayments under thirty-five dollars; 388-44-130, the information in this section is being moved to WAC 388-44-140; 388-44-140, subsection (1) contains information from WAC 388-44-130. Other changes in subsection (3) are editorial clarifications; 388-44-145, changes to this section are mostly editorial to clarify that unintentional overpayments are limited to five percent of payment standard regardless of the clients cash and/or other resources; and 388-44-150, this section has been retitled and now identifies the specific actions available to the Office of Financial Recovery in collecting overpayments.

Statutory Authority: RCW 74.04.050.

Summary of the Rule or Rule Change: Amendment adds policy for treatment of \$50 disregard of child support; allows department waive collection of some overpayment under \$35; removes references to inequitable recovery; specifies the civil actions available to collect overpayments.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Steve McNeil, Community Services Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-0471 or scan 234-0471.

Person or Organization (if other than DSHS) who Proposed These Rules: None.

These rules are necessary as a result of federal law, 45 CFR 233 20

This proposed rule does not come under the provisions of the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-010 OVERPAYMENT—UNDERPAYMENT— DEFINED. (1) "Overpayment" means any grant or medical assistance payment received by or for an assistance unit for the payment month which exceeds the amount the unit was eligible to receive.

(2) An overpayment includes but is not limited to:

(a) Vendor payments for medical care provided during a period when the individual was not eligible for public assistance,

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client,

(c) Payments made during the ten-day advance notice period when the client is ineligible for payment, and

(d) Continued payments received by the recipient because the appropriate ten-day advance period extends into the next month.

(3) Funeral expenses paid by the department are an overpayment to the extent the value of the estate is not used as a resource in determining eligibility. However, the department's funeral expense payment is not repayable when the estate consists only of assets (resources) which are exempted in determining eligibility for public assistance for the surviving spouse and/or dependents.

(4) Policies regarding food stamps received in excess of the amount the household was entitled to receive are outlined in chapter 388-54

WAC.

(5) "Underpayment" means a financial assistance payment received by or for an assistance unit for the payment month which is less than the amount for which the assistance unit was eligible, or failure by the state to issue a financial assistance payment for the payment month to an eligible assistance unit if such payment should have been issued.

(6) Policies in this chapter delineating recoupment of overpayments by means of a deduction from the current grant are limited to public

assistance money grant overpayments.

(7) For purposes of this chapter, grant payment standard is defined as payment level or the amount payable to a family of the same composition with no other income or nonexempt resources <u>plus authorized</u> additional requirements.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-035 OVERPAYMENT-AMOUNT. (1) The amount of overpayment shall be determined as ((follows:

(a) The overpayment shall be)) the amount of assistance, including medical care, to which the assistance unit was not entitled.

 $((\frac{(b)}{b}))$ (2) To determine the amount to which the assistance unit was not entitled in subsection $(1)((\frac{(a)}{b}))$ of this section, the overpayment shall be reduced:

(((ti))) (a) By the amount of assistance ((that)) the assistance unit would have been eligible to receive during the period of ineligibility from any other category of assistance.

(((fii) For overpayments incurred in months prior to October 1, 1981, only the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported. For AFDC or refugee assistance overpayments incurred after October 1, 1981, there will be no allowable work expenses computed in determining the amount of an overpayment resulting from unreported wages. For general assistance overpayments incurred after October 1, 1981, the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported.

(iii))) (b) By the amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance the assistance unit was actually entitled, in cases where the client was eligible for some part of the monthly AFDC grant.

(c) By the amount of excess support in subsection (2)(b) of this section minus the amount of support already distributed to the recipient according to WAC 388-14-270 (2)(a), in cases where the client was totally ineligible for an AFDC grant.

(((2))) (3) When establishing an overpayment for a period of time containing both overpayments and underpayments, any overpayment shall be reduced by the amount of any underpayment.

(((3))) (4) Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-110 OVERPAYMENT—LIABILITY. (1) Overpayments may be recovered from:

(a) The assistance unit which was overpaid;

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member((5)); or

(c) Any individual members of the overpaid assistance unit whether or not currently a recipient.

(2) The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(3) There shall be no liability placed upon individuals incurring unintentional overpayments when:

(a) The individual is not receiving a grant at the time the overpayment is discovered and/or computed, and

(b) The amount of the overpayment is less than thirty-five dollars.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-115 VERIFICATION OF OVERPAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. The department shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

(3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.

- (4) A letter shall be sent to any recipient or payee when an overpayment has been established. The letter shall include the following information:
 - (a) The amount of the overpayment,
 - (b) The circumstances which brought about the overpayment,

(c) The dates the overpayment occurred,

- (d) An explanation of the method of repayment and the effect of the overpayment on future grant payments,
- (e) A determination that an intentional overpayment is or is not involved.
 - (f) A statement that overpayments are debts due the state,

(g) A computation of the amount due the state,

- (h) A statement that the financial recovery office is responsible for establishing repayment schedules when recoupment is not subject to a mandatory deduction from the current grant,
 - (i) A statement of the right to a fair hearing.
- (((5) When the overpayment is intentional, a letter notifying the person must include the following statements in addition to the items in subsection (4) of this section:
- (a))) (j) Property of the debtor will be subject to collection action after the debtor terminates from public assistance.
- (((tb))) (k) Property will be subject to lien and foreclosure, distraint and seizure, and sale or order to withhold and deliver.

 $((\frac{(c)}{c}))$ (1) Net proceeds of subsection $((\frac{(5)(a)}{c}))$ (4)(j) and $((\frac{(b)}{c}))$ (k) of this section will be applied to satisfy the overpayment debt.

(((d))) (m) Action to collect the debt as in subsections (((5)(a))) (4)(j) and (((b))) (k) of this section is lawful after ninety days from the debtor's termination from public assistance or receipt of the notice of debt, whichever is later.

(6) A person who has incurred an overpayment shall be notified of that debt by:

(a) Personal service, or

- (b) Certified mail, return receipt requested, addressee only.
- (7) Personal service may be made by:

(a) An employee of DSHS, or

- (b) The sheriff of the county where the recipient of public assistance resides. When service is made by the sheriff, an affidavit of service on the county's form will routinely be furnished by the sheriff.
- (c) Any other person eighteen years of age or older who is competent to be a witness in the action.
- (8) Personal service can be made by delivering a copy of the overpayment letter as follows:
- (a) If to a minor, to such minor personally, and also to his or her father, mother, guardian, or if there is none within the state, then to any person having the care, custody, or control of such minor or who is the payee of the minor's grant, or with whom he or she resides or in whose service he or she is employed.
- (b) If to any person for whom a guardian has been appointed for any cause, then to such guardian.
- (c) If to a company or corporation, to the president or other head of the company or corporation, secretary, cashier, or managing agent thereof or the secretary, stenographer, or office assistant of the president or other head of the company or corporation, secretary, cashier, or managing agent.
- (d) In all other cases, to the debtor personally or by leaving a copy of the letter at the residence of the debtor's usual abode with some person of suitable age and discretion residing therein.
- (e) If joint liability exists, each debtor shall be provided a copy, except only one copy need be sent to spouses living together.
- (f) Out-of-state service shall be the same as personal service within the state.
- (g) Refusal of such notice by the debtor is proof of notice to the debtor of the debt owed.
- (9) Nothing in this section precludes the department from recovering overpayments by deduction from subsequent assistance payments.

AMENDATORY SECTION (Amending Order 2163, filed 10/18/84)

WAC 388-44-125 REPAYMENT OF OVERPAYMENT FROM CURRENT RECIPIENTS. (1) Repayment of an overpayment shall be made by the individual or the overpaid assistance unit from resources and/or income, and/or by deductions from subsequent grants, and/or as a result of civil or criminal action initiated by the department or the prosecutor, and/or from an estate upon death.

(2) A public assistance money grant may not be reduced to recover overpayments of medical assistance, food coupons, or food commodities.

- (3) The recipient is required to pay all overpayments ((except where recovery is determined to be inequitable under WAC 388-44-127)). A mandatory grant deduction will be used to liquidate the overpayment, except that unintentional overpayments prior to January 1, 1982, are not subject to mandatory collection from a grant.
- (4) An additional deduction from subsequent grants can be made if the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.

 (5) Overpayments((, defined in WAC 388-44-145 (3)(a), being))
- (5) Overpayments((, defined in WAC 388-44-145 (3)(a), being)) recovered by monthly deductions ((not to exceed five)) of less than ten percent of the recipient's total monthly grant payment standard shall be recovered promptly. The department will, by the end of the quarter following the quarter in which the overpayment is first identified:
 - (a) Recover the overpayment, or
- (b) Execute a monthly recovery agreement from a current recipient's grant or income and resources, defined as follows:
- (i) The recipient must see the agency-proposed agreement as defined in WAC 388-44-115(4),
- (ii) The recipient must understand the options available (mandatory deductions or lump-sum payments), and
- (iii) The recipient must be given an opportunity to respond to these payment options.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

WAC 388-44-140 RESPONSIBILITY FOR RECOVERY OF OVERPAYMENT. (1) Overpayments are debts due the state and are subject to recovery by the department.

(2) The local office shall be responsible for effecting repayment of overpayments from current recipients when repayments are to be made

by grant deduction as specified in WAC 388-44-145.

(((2))) (3) The office of financial recovery ((office)) and the attorney general ((shall be)) are responsible for ((effecting repayment)) the recovery of overpayments from former recipients and for the determination of collectibility.

AMENDATORY SECTION (Amending Order 2163, filed 10/18/84)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants except as modified by ((subsection (2) of this section and)) WAC 388-44-125 ((and 388-44-127))(3).

- (2) An intentional overpayment is subject to recovery by a mandatory ((recoupment and if)) grant deduction of ten percent of the payment standard unless the recipient has cash, bank accounts, or marketable securities he or she refuses to use in full or partial satisfaction of an overpayment((-)). In such cases, a monthly deduction of up to one hundred percent of future ((grant(s))) grant or grants shall be established until such time as the amount of the ((grant(s))) grant or grants the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities withheld. The amount of income and resources remaining available to the assistance unit shall not be less than ninety percent of the grant payment standard defined ((under the state plan to a family of the same composition with no other income) in WAC 388-44-010(7).
- (3) ((After intentional overpayments are satisfied pursuant to subsection (2) of this section and the recipient still owes a debt, or when subsection (2) of this section does not apply,
- (a)) The department shall((, on a case-by-case basis,)) limit the amount of the monthly deduction for unintentional overpayments so the deduction shall not exceed five percent of the recipient's total monthly grant payment standard ((if the requirements of WAC 388-44-125(5) are satisfied or)) unless the recipient voluntarily requests a larger deduction in writing.
- (((b))) (a) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.
- (((e))) (b) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.
- (4) Prior to the initial grant deduction, the client shall be informed in writing of the amount of the monthly deduction. The notification

shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the

individual was ineligible to receive.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-150 ((INVOLUNTARY REPAYMENT)) RECOVERY OF OVERPAYMENTS—((LIEN ON PROPERTY)) FORMER RECIPIENTS. When the department determines there is an overpayment, the ((filing of)) department may as appropriate:

(1) File a lien against the property ((owned by the individual pursuant to RCW 74.04.300 shall be the responsibility)) of the ((financial

recovery office)) debtor;

(2) Accept voluntary repayment agreements from the debtor;

- (3) Issue an order to withhold and deliver the debtor's wages, earnings, income property, and/or accounts:
- (4) Accept a statutory assignment of wages from the debtor; and/or (5) Pursue recovery in civil courts through the attorney general's office.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-44-025 OVERPAYMENTS—EFFECTIVE DATES. WAC 388-44-127 REPAYMENT OF OVERPAYMENT OC-CURRING PRIOR TO APRIL 3, 1982, AND RESULTING FROM DEPARTMENT ERROR.

WAC 388-44-130 REPAYMENT OF OVERPAYMENT FROM FORMER RECIPIENTS.

WSR 85-23-017 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health)

[Order 2302-Filed November 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Hospitals—Surgery, amending chapter 248–18 WAC.

This action is taken pursuant to Notice No. WSR 85-20-007 filed with the code reviser on September 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED November 13, 1985.

By David A. Hogan, Director Division of Administration and Personnel

NEW SECTION

WAC 248-18-251 SURGERY—OPERATING ROOMS AND AREAS—SPECIAL PROCEDURE

ROOMS—SURGICAL TREATMENT OR DIAGNOSTIC AREAS. (1) Operating rooms, facilities, personnel, equipment, policies and procedures shall be appropriate to the scope of surgical services offered in each hospital.

- (2) Environment Facilities Equipment.
- (a) Operating room facilities and services, when provided, shall be located in a segregated area or areas of the hospital with access limited by hospital policy and procedures.
- (b) Operating rooms and operating room service areas and facilities shall be properly equipped, easily cleanable, and of adequate size to accommodate the equipment and personnel required for surgical procedures performed.
 - (i) Each operating room shall have available:
 - (A) Operating light and adequate general lighting;
 - (B) Operating table, stretcher, or equivalent;
 - (C) Oxygen;
 - (D) Suction;
 - (E) Appropriate electrical outlets;
 - (F) X-ray film illuminator;
 - (G) Cardiac monitor;
 - (H) Anesthesia equipment and supplies;
- (I) Emergency signaling device which automatically registers at a location from or through which additional assistance is always available;
 - (J) Source of emergency power; and
 - (K) Emergency lighting.
- (ii) Each hospital shall provide appropriately maintained emergency equipment, supplies, and services available within sixty seconds and appropriate for the care of adults, children, and infants minimally to include:
 - (A) Ventilatory equipment, including airways;
 - (B) Cardiac defibrillator;
 - (C) Cardiac monitor;
 - (D) Laryngoscopes and endotrachial tubes;
 - (E) Suctions; and
- (F) Emergency drugs and fluids including schedules of pediatric dosages.
- (c) There shall be adequate operating room scrub sinks with provisions for a cleansing agent located adjacent to operating rooms and providing hot and cold water and equipped with knee, foot, elbow, or automatic faucet controls.
- (d) Separate and adequate refrigerated storage facilities with appropriate alarms shall be provided for blood if blood is stored in the operating room area.
- (e) There shall be a dressing area with appropriate locker storage available for persons entering operating rooms.
 - (f) Toilet facilities shall be available.
- (g) Adequate types and quantities of surgical instruments, equipment, and supplies for procedures performed shall be provided and maintained in a sanitary and safe condition.
- (h) There shall be adequate storage within the operating room service area for clean and sterile supplies and equipment.
- (i) A designated area shall be provided for collection and cleaning of soiled instruments and equipment.

- (j) There shall be adequate, cleanable facilities for safe and appropriate waste collection and disposal.
- (k) Housekeeping facilities shall be located within operating room service areas. These may be included in a soiled utility room equipped with a clinic service sink or service sink.
- (l) There shall be filtered clean air in each operating room. A positive pressure ventilation gradient to adjoining corridors shall be maintained in operating rooms.
- (m) Operating rooms shall be equipped with a room temperature control device or system capable of maintaining appropriate patient body temperature.
 - (3) Policies Procedures Responsibility
- (a) The organization plan of the hospital shall identify lines of authority, responsibility, and accountability within all operating room areas and areas where surgical procedures are performed or anesthesia administered.
- (i) There shall be a physician designated and responsible for implementation of hospital policy related to medical staff in operating rooms and operating room service areas.
- (ii) A designated registered nurse shall supervise personnel as specified in hospital policy in operating rooms and operating room service areas and shall be responsible for:
- (A) Development and implementation of operating room and operating room service staffing plans to maintain adequate and safe patient care.
- (B) Provision for orientation and ongoing training of personnel providing services within operating rooms and operating room service areas.
- (C) Defining nursing responsibility between the time of patient entry into and exit from operating rooms and operating room service areas.
- (b) Written policies and procedures shall be approved in writing by appropriate representatives of administration, medical staff, and nursing services.
- (i) Information, policies and procedures available to nursing and scheduling staff shall include:
- (A) A current roster of medical staff including delineated surgical privileges as granted by the governing body
- (B) Policies and delineated privileges, responsibilities, and accountability of others approved by medical staff and governing body to provide services in operating rooms including, but not limited to, dentists, oral surgeons, and podiatrists.
- (C) Requirements for surgical and technical-professional assistants, including current licensure and/or other qualifications and any limitations related to patient care activities within the operating room or operating room service areas including, but not limited to, surgical technicians, other technicians, nurses, or technicians who are not hospital personnel or students.
- (ii) There shall be a policy and procedures for obtaining surgical assistants.
- (iii) There shall be policies and procedures specifying responsibility to document all aspects of patient care in operating rooms and operating room service areas.
- (iv) Written infection control policies approved by the infection control or equivalent interdisciplinary group shall delineate responsibility in training and orientation

of operating room and operating room service area personnel and others. Infection control policies and procedures shall specifically address:

- (A) Surgical attire;
- (B) Appropriate surgical scrub procedures;
- (C) Housekeeping functions specific to operating room and operating room service areas before, between, and after cases:
- (D) Cleaning, disinfecting, sanitizing, packaging, sterilizing, and storage of equipment and supplies;
 - (E) Disposal of wastes;
- (F) Nonhospital and hospital—owned equipment that may be brought into the operating room or operating room service areas including requirements for cleaning and sterilization including, but not limited to, tools for repairing equipment and physician—owned instruments.
- (G) People who may enter operating room areas including those who are not hospital personnel, such as repairmen and vendors.
- (v) Written policies and procedures related to patient safety or protection shall address servicing, maintenance, and safety checks of electrical-electronic equipment and other patient care equipment including nonhospital-owned equipment.
- (vi) Policies and procedures shall address and define responsibility for continuous patient care and documentation when a patient is transferred from one place to another in the course of performing a surgical or invasive procedure.
- (4) Preoperative patient care shall be addressed in written hospital policies which shall define requirements for patient care during the preoperative period to include:
- (a) A current patient history and report of physical examination by a practitioner, authorized by medical staff rule, included in the patient medical record prior to surgery. "Current," as used in this subsection, shall be defined by hospital policy.
- (b) Documented assessment of patient needs for care including, but not limited to, allergies, fears, anxieties, changes in condition, vital signs.
- (c) Written consent for procedure or surgery and anesthesia available in the medical record.
 - (d) Identification of patients by a secured name band.
- (e) Test results available prior to surgery or procedure.
- (5) Short stay or short term or ambulatory or one-day surgery services or special procedures, regardless of where performed, shall function according to written policies and procedures approved by representatives of hospital administration, medical staff, and nursing services and include:
- (a) Patient identification system, patient consent, and preoperative patient assessment requirements.
- (b) Provisions for appropriate monitoring or observation of patients undergoing procedures by at least one qualified person in addition to the medical staff authorized practitioner performing the procedure.
- (c) Written approved infection control and equipment safety policies as specified in WAC 248-18-251 (3)(b).

- (d) Emergency equipment as required for all operating rooms, available within sixty seconds as specified in WAC 248-18-251 (2)(b)(ii).
- (e) Documentation of patient assessment prior to, during, and post procedure.
- (f) Teaching protocols for post procedure period including what signs and symptoms the patient should report, who to contact, limitations on activities or diet, medication control, driving, operation of mechanical equipment, and instructions for follow-up.
 - (g) Patient evaluation prior to discharge.

NEW SECTION

hospital.

- WAC 248-18-253 ANESTHESIA SERVICES. (1) Anesthesia facilities, equipment, personnel, staff, policies and procedures shall be appropriate to the scope of surgical, obstetrical, or other care offered in each
- (2) There shall be a designated physician member of medical staff responsible for anesthesia services and for establishing general policies for administration of anesthesia to patients throughout the hospital.
- (3) Written policies and procedures shall be established to provide safety for all anesthetized patients to include:
- (a) Provision for appropriate monitoring and attendance of all anesthetized patients.
- (b) Qualifications and responsibilities of persons performing anesthesia services and care in compliance with applicable federal and state laws and rules.
 - (c) Evaluation of each patient prior to anesthesia.
- (d) Pertinent information recorded in the medical record at the time of the preoperative anesthesia evaluation.
- (e) Criteria or protocols for assessment of all patients by qualified persons prior to discharge from any postanesthesia recovery area or the hospital.
- (f) Precautions or procedures for safe administration of anesthetizing agents and other drugs consistent with hospital policy approved by the appropriate medical staff committee in accordance with WAC 248-18-190 (1)(n) and 248-18-190 (2)(f).
- (g) Preparation, administration, and documentation of intravenous solutions, medications, and admixtures consistent with WAC 248-18-335 and 248-18-336.
- (4) All information specific to condition and treatment of the patient occurring during anesthesia induction, anesthesia maintenance, or emergence from anesthesia shall be documented and retained in the medical record of the patient.

NEW SECTION

WAC 248-18-256 POST-ANESTHESIA RE-COVERY AREAS. (1) Post-anesthesia facilities, equipment, personnel, staff, policies and procedures shall be appropriate to the scope of surgical, obstetrical, or other care offered in each hospital.

- (2) Environment Facilities.
- (a) A handwashing sink, soap dispenser, and towel dispenser shall be available within each post-anesthesia recovery room or area.

- (b) There shall be provisions for visual privacy for patients.
- (c) Suction and oxygen shall be available for each patient.
- (d) Emergency equipment and supplies shall be appropriately maintained and available within sixty seconds, as specified in WAC 248-18-251 (2)(b)(ii).
- (e) Adequate, easily cleanable storage facilities shall be provided.
 - (f) There shall be a soiled utility room available.
- (g) An emergency signalling device registering at a location from or through which additional assistance is always available shall be available within recovery rooms or areas.
 - (3) Policies Procedures Responsibility.
- (a) The organization plan of the hospital shall identify lines of authority, responsibility, and accountability within post-anesthesia recovery rooms or areas.
- (i) There shall be a physician designated and responsible for implementation of hospital policy related to medical staff in post—anesthesia recovery rooms and areas. Policy shall specify amount and degree of physician availability to post—anesthesia recovery areas at all times when patients are present.
- (ii) A designated registered nurse shall supervise personnel as specified in hospital policy in post-anesthesia recovery rooms and areas and shall be responsible for:
- (A) Developing and implementing post-anesthesia recovery service staffing plans to maintain adequate and safe patient care, and
- (B) Providing for orientation and ongoing training of personnel providing services within post-anesthesia recovery rooms or areas.
- (b) There shall be criteria or protocols for assessment of all patients by qualified persons prior to discharge or release from any post-anesthesia recovery room or area.
- (c) There shall be policies and procedures regarding management of infected or infectious cases, approved by the infection control committee.
- (4) Nursing and other staff providing patient care in post-anesthesia recovery areas shall have documented orientation and demonstrated appropriate skills related to life support activities or functions.
- (5) There shall be written orders authenticated by a physician for all drugs, intravenous solutions, blood, and medical treatments. Standing medical orders or protocols, when used, shall be in the patient medical record and authenticated by a physician.

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-560 RECOVERY UNIT. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS – SEE WAC 248-18-515.)

- (1) LOCATION.
- (a) LOCATED TO AVOID ((TRAFFIC)) THROUGH ((THE UNIT)) TRAFFIC.
- (b) Located in or near clinical department assuming responsibility.
 - (2) PATIENT CARE AREA.

- (a) ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET ((FOR EACH)) PER BED, STRETCHER, OR CART.
- (b) ((Isolation room or cubicle)) <u>CUBICLE CUR</u>-TAIN TRACKS OR EQUIVALENT.
- (c) EQUIPMENT FOR EACH PATIENT STATION:
- ((Oxygen outlet for each bed, stretcher, or cart)) (i) OXYGEN OUTLET. Two recommended.
- ((Suction outlet for each bed, stretcher, or cart)) (ii) TWO SUCTION OUTLETS.
- (iii) MEDICAL EMERGENCY SIGNALLING DEVICE.³⁶
- (iv) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.
 - (v) OVERHEAD LIGHTING.
 - (vi) Medical air.
- (d) LAVATORY ((IN EACH ROOM May be omitted if service facilities in same room)) LOCATED CONVENIENT TO EVERY SIX PATIENT STATIONS.
- (e) STORAGE, SHELVES, DRAWERS, OR EQUIVALENT AND CHARTING SURFACE AT EACH PATIENT STATION.⁶
 - (f) Isolation room.
 - (i) LAVATORY OR SINK.
 - (ii) ONE OXYGEN OUTLET.
 - (iii) TWO SUCTION OUTLETS.
- (iv) MEDICAL EMERGENCY SIGNALLING DEVICE.⁵⁶
- (v) ONE HUNDRED TWENTY SQUARE FEET.
 One hundred fifty square feet recommended.
 - (vi) CLOCK.
- (vii) Access from both outside and inside recovery unit.
 - (viii) Relites from isolation room into recovery unit.
- (ix) Capability to change or switch from negative to positive pressure gradient.
 - (x) Curtain tracks or equivalent.
 - (xi) Medical air.
 - (xii) LIGHTING OVER PATIENT STATION.
- (xiii) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.
- (xiv) CLINIC SERVICE SINK OR WATER CLOSET WITH BEDPAN RINSING/FLUSHING ATTACHMENT ADJOINING ROOM.
 - (3) SERVICE FACILITIES.
- (a) ADEQUATE SPACE, IN ADDITION TO REQUIRED PATIENT CARE AREA, IF LOCATED IN SAME ((OR ADJOINING)) ROOM ((OR ROOMS))) AS PATIENT CARE AREA.
- (((a))) (b) CLEAN UTILITY ((AREA)) OR MATERIALS. May be located in patient care room or adjoining room or rooms.
 - ((EQUIPMENT:))
 - (i) WORK SURFACE.
 - (ii) SINK.
- (iii) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED ((NARCOTIC)) STORAGE FOR CONTROLLED SUBSTANCES See WAC 248-18-710(1)(b).
 - (iv) STORAGE UNIT.6, 18

(v) REFRIGERATOR. Ice dispenser.

(vi) LINEN STORAGE. 6. 18

(vii) EQUIPMENT STORAGE.6.18

(viii) Warmer for blankets and solutions.

(((b))) (c) SOILED UTILITY ((AREA. ADE-QUATE SPACE FOR LINEN HAMPERS, WASTE CONTAINERS, AND OTHER LARGE EQUIPMENT.

EQUIPMENT:

CLINIC SERVICE SINK (SIPHON JET).

WORK SURFACE.6

STORAGE FOR CLEANING SUPPLIES.⁶)) OR SOILED MATERIALS ROOM⁷, LOCATED WITH DIRECT ENTRY FROM RECOVERY UNIT. May be shared with clean-up facilities of the surgical suite or combined surgical/obstetrical suite provided there is a direct entry from each.

(((c))) (d) CHARTING SURFACE. May be shelf, desk, or equivalent.

(((d) Nurses' toilet)) STAFF TOILET. May be in or convenient to unit.

(((e))) (f) HOUSEKEEPING FACILITIES.5

Suitable combination with other housekeeping facilities permitted if convenient to recovery unit.

NOTES:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248–18–710(5), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710 (2)(c) AND (d), SOILED UTILITY OR MATERIALS ROOM.

18 See GENERAL REQUIREMENTS FOR SERVICE FACILI-

TIES, WAC 248-18-710(3), STORAGE FACILITIES.

56 See GENERAL DESIGN REQUIREMENTS, WAC 248-18718 (11)(b)(iii).

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-565 SURGERY SUITE. 8 Optional. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) SURGERY SUITE, GENERAL.

- (a) A SEPARATE SEGREGATED UNIT UNLESS SURGERY AND OBSTETRICAL DELIVERY FACILITIES ARE IN A COMBINED SUITE, IN ACCORD WITH WAC 248–18–600. TO INCLUDE OPERATING ROOMS AND ANCILLARY FACILITIES ESSENTIAL TO THE PROPER FUNCTIONING OF THE OPERATING ROOMS. ANCILLARY FACILITIES TO BE LOCATED OUTSIDE OPERATING ROOMS AND, IF A COMBINED SUITE, OUTSIDE DELIVERY ROOMS.
- (b) LOCATED TO PREVENT TRAFFIC THROUGH SURGERY SUITE TO ANY OTHER AREA OF THE HOSPITAL AND TO FACILITATE TRANSFER OF PATIENTS TO SURGICAL NURSING UNITS AND, IF A COMBINED SUITE, TO OBSTETRICAL NURSING UNIT.
- (c) SUITE TO INCLUDE NO FACILITIES (such as central sterilizing and ((supply)) processing service facilities) SERVING OTHER AREAS OF THE HOSPITAL AND THEREBY CREATING TRAFFIC

UNNECESSARY TO THE SURGICAL SUITE, EXCEPT AS PROVIDED FOR IN WAC 248–18–600 FOR COMBINED SURGERY/OBSTETRICAL DELIVERY SUITE.

- (d) NUMBER AND TYPES OF OPERATING ROOMS TO BE PREDICATED UPON THE TYPES OF SURGERY TO BE PERFORMED AND THE ANTICIPATED SURGERY CASELOAD.
- (e) ARRANGED TO PREVENT TRAFFIC THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM TO OTHER AREAS OF THE SUITE, EXCEPT DIRECTLY CONNECTING SUBSTERILIZING ROOM SERVING ONLY OPERATING ROOMS OR OBSTETRICAL DELIVERY ROOMS TO WHICH IT CONNECTS.
- (f) ANY ROOMS IN THE SUITE PLANNED TO SERVE FOR OUTPATIENT SURGERY LOCATED SO PENETRATION OF THE SUITE BY ((OUTPATIENTS)) THE PUBLIC IS LIMITED.
- (g) CONDUCTIVITY METER WITHIN SUITE REQUIRED ONLY IF OPERATING ROOMS DESIGNED FOR USE OF FLAMMABLE ANESTHETICS.⁶
- (h) MEDICAL EMERGENCY ((COMMUNICATIONS SYSTEM CONNECTING EACH OPERATING ROOM AND DELIVERY ROOM TO CENTRAL STATION FOR SUITE OR OTHER AREA OF THE HOSPITAL WHERE THERE AREALWAYS NURSING PERSONNEL RESPONSIBLE FOR PROVIDING ASSISTANCE SHOULD AN EMERGENT NEED OCCUR)) SIGNALLING DEVICE SEE WAC 248–18–718 (11)(b).
 - (2) MAJOR OPERATING ROOM.
- (a) AT LEAST ONE MAJOR OPERATING ROOM.
- (b) MINIMUM DIMENSION AT LEAST EIGHT-EEN FEET.²⁴ Twenty feet or more recommended.

MINIMUM CLEAR AREA AT LEAST THREE HUNDRED SIXTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.²⁴

- (c) EQUIPMENT:
- (i) OVERHEAD SURGERY LIGHT.
- (ii) TWO X-RAY FILM ILLUMINATORS.6
- (iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.
 - (iv) STORAGE FOR SURGICAL SUPPLIES. 6, 18
 - $\overline{(v)}$ TWO SUCTION OUTLETS.
 - (vi) TWO OXYGEN OUTLETS.
- (vii) SEPARATE WASTE GAS EVACUATION SYSTEM.
 - (viii) Work surface.6
 - (ix) Medical gases and medical air.24
 - (3) Minor operating room.
- (a) All operating rooms should be designed as major operating rooms to achieve maximum flexibility in use. However, in large or specialty hospitals a large volume of minor surgery may make inclusion of minor operating rooms practical.
- (b) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.

MINIMUM CLEAR AREA AT LEAST TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.

- (c) EQUIPMENT:
- (i) OVERHEAD SURGERY LIGHT OR EQUIVALENT.²⁴
 - (ii) TWO X-RAY ILLUMINATORS.6
- (iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.²⁴
 - (iv) STORAGE FOR SURGICAL SUPPLIES. 6, 18
 - (v) TWO SUCTION OUTLETS.
 - (vi) TWO OXYGEN OUTLETS.
- (vii) SEPARATE WASTE GAS EVACUATION SYSTEM.
 - (viii) Work surface.6
 - (ix) Medical gases and medical air.24
 - (4) ((FRACTURE (OR CAST) ROOM.
- (a) ONE IN EACH HOSPITAL OVER ONE HUNDRED BEDS (EXCLUDING BEDS IN NURSING HOME AND PSYCHIATRIC UNITS).
- (b) MINIMUM DIMENSION EIGHTEEN FEET. MINIMUM CLEAR AREA AT LEAST THREE HUNDRED TWENTY-FOUR SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.
- (c) May be in surgery suite or in emergency department.
 - (d) Splint and supply storage adjoining.
 - (c) EQUIPMENT:
 - OVERHEAD SURGERY LIGHT.
 - TWO X-RAY FILM ILLUMINATORS.6
 - **WORK SURFACE.**
 - STORAGE FOR SURGICAL SUPPLIES. 6, 18
 - SINK⁹ WITH PLASTER TRAP. May be scrub sink. Splint and leak-proof plaster storage.⁹
 - SUCTION OUTLET.
 - **OXYGEN OUTLET:**
 - (5))) Cystoscopy facilities.
 - (a) Cystoscopy operating room.
 - (i) ((One in each hospital over one hundred beds:
- (ii))) May be in suitable location outside surgery suite.
- (((iii))) (ii) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.
- MINIMUM CLEAR AREA OF TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.²⁴
- (((iv) Designed to serve for other surgical procedures when anticipated volume of cystoscopic work does not indicate maximum usage of room:
- (v))) (iii) IF LOCATED OUTSIDE SURGERY SUITE, PROVIDE ONE SCRUB((=UP)) SINK OUTSIDE THE ENTRANCE AND FACILITIES ((AND FACILITIES)) FOR CLEANING((;)) AND STERILIZATION((; AND STORAGE OF SUPPLIES AND EQUIPMENT)) IN SOILED AND CLEAN UTILITY ROOMS.
 - (((vi))) (iv) EQUIPMENT:
 - ((OVERHEAD)) (A) SURGERY LIGHT.²⁴
 - (B) TWO X-RAY FILM ILLUMINATORS.6

- ((WORK SURFACE)) (C) Work surface.6
- (D) STORAGE FOR SURGICAL SUPPLIES. 6, 18
- (E) ELECTRIC CLOCK WITH SWEEP SECOND HAND ((and interval timer)) OR EQUIVALENT AND INTERVAL TIMER.²⁴
- (F) X-RAY UNIT⁶ preferably mounted on urological table.
- ((PROVISION FOR STERILE WATER SUPPLY.6))
 - (G) TWO OXYGEN OUTLETS.
 - (H) TWO SUCTION OUTLETS.
- (I) Flushing rim type floor drain may be permitted; PROVIDED DRAIN SYSTEM IS SPECIFICALLY DESIGNED FOR EASY ACCESS FOR CLEANING DRAIN AND TRAP.
- (J) SEPARATE WASTE GAS EVACUATION SYSTEM.
 - (b) Darkroom or equivalent.
- (c) Adjoining toilet, wheelchair accessible, if outside surgery suite.
 - (5) SEPARATE PATIENT HOLDING AREA.²⁴
- (a) May be omitted in hospitals with only one operating room.
 - (b) ROOM OR ALCOVE OUT OF TRAFFIC.
- (c) LOCATED FOR DIRECT VISIBILITY OF EACH PATIENT.²⁴
- (d) IF SURGICAL PREPS AND INDUCTIONS DONE, PROVIDE LAVATORY OR SINK, WORK COUNTERS, AND CUBICLE CURTAINS OR EQUIVALENT.
 - (e) OXYGEN AND SUCTION OUTLETS.
- (f) MEDICAL EMERGENCY SIGNALLING DEVICE SEE WAC 248-18-718 (11)(b).
 - (6) SCRUB-UP AREA.
- (a) ((In rooms where there is to be no open surgery or obstetrical deliveries, may be limited to one scrub sink within room.
- (b))) ADJACENT TO EACH OPERATING ROOM.
- (((c))) <u>(b)</u> DIRECT ACCESS TO EACH OPERATING ROOM.
 - (((d))) <u>(c)</u> EQUIPMENT:
- (i) AT LEAST THREE SCRUB SINKS FOR EACH TWO OPERATING ROOMS, BUT IN NO CASE LESS THAN TWO SCRUB SINKS.
- (ii) DETERGENT DISPENSER OR EQUIVALENT. FOOT CONTROL OR EQUIVA-LENT IF LIQUID DISPENSER.
 - (iii) BRUSH DISPENSER OR EQUIVALENT.24
- (iv) ((STORAGE FOR MASKS, CAPS, NAIL FILES, and boots)) SHELF.
 - (v) TOWEL DISPENSER OR EQUIVALENT.24
- (vi) CLOCK WITHIN VIEW FROM SCRUB SINKS.
- (7) CLEAN-UP FACILITIES WITH A SINK WITH ACCESSIBLE PLASTER TRAP. Sink with plaster trap may be in other appropriate soiled area. 10
 - (8) CLEAN WORKROOM.
- (a) May be omitted if written program defines a supply and equipment system eliminating need for preparation and assembly within the suite.
 - (b) EQUIPMENT:

((LAVATORY)) (i) Lavatory.

(ii) WORK COUNTERS OR TABLES (((+)))OR EQUIVALENT((+))).6

(iii) STORAGE FOR SUPPLIES AND SMALL EQUIPMENT. 6, 18

- ((May be omitted if written program defines a supply and equipment system eliminating need for preparation and assembly within the suite.))
 - (9) STERILIZING FACILITIES.
- (a) ((AUTOCLAVES ())HIGH SPEED STERILIZ-ERS WITH RECORDING THERMOMETERS(())) AND AUTOMATIC CONTROLS OF SUFFICIENT CAPACITY TO ACCOMMODATE SUPPLIES AND EQUIPMENT TO BE STERILIZED IN SUITE. ((Automatic controls on all autoclaves recommended:))
- (b) MINIMUM OF ONE ((AUTOCLAVE))
 STERILIZER" IN EACH SURGERY SUITE((, EXCEPT IN HOSPITALS OF TWENTY-FIVE OR
 LESS BEDS, CENTRAL STERILIZING AND SUPPLY FACILITIES MAY SUFFICE IF PROPERLY
 ARRANGED FOR DIRECT ACCESS TO SUITE)).
- (c) IF PRACTICE OF STERILIZING UNWRAPPED SETS OF INSTRUMENTS IS TO BE FOLLOWED, A SUFFICIENT NUMBER OF ((AUTOCLAVES)) STERILIZERS¹² ((MUST)), ACCESSIBLE FOR MAINTENANCE, SHALL BE LOCATED TO PROVIDE DIRECT ACCESS TO EACH OPERATING ROOM AND OBSTETRICAL DELIVERY ROOM FROM A STERILIZING FACILITY.
 - (((d))) (10) SOLUTION WARMER. 6, 24
 - (((10))) (11) STORAGE FACILITIES. 18
 - ((FOR:)) (a) CLEAN SUPPLY ROOM;
- (b) INSTRUMENTS. May be located in clean supply room;
- (c) DRUGS SEE WAC 248-18-710(1). May be located in anesthesia work room or in clean supply room;
 - (d) LINEN. May be located in clean supply room;
- (e) BLOOD ((f))REFRIGERATION((f))) unless satisfactory provision elsewhere;
 - (f) SOLUTIONS;
- (g) STERILE SUPPLIES ((AND SMALL EOUIPMENT));
 - (h) LARGE AND SMALL EQUIPMENT; ((AND))
- (i) STRETCHERS. Space for one stretcher per operating room or delivery room;
- (j) PORTABLE X-RAY unless suitable provision for storage elsewhere.
- (((11))) (12) ANESTHESIA STORAGE

 MACHINES AND CARTS¹³ unless satisfactory provision elsewhere.

(((12))) (13) Anesthesia workroom.

- (((13) HOUSEKEEPING FACILITIES.⁵)) (a) IF CLEANING OF ANESTHESIA EQUIPMENT TO BE DONE, DESIGNED FOR SEPARATION OF SOILED AND CLEAN FUNCTIONS. Soiled room may be omitted if cleaning function to occur in clean-up or decontamination room in central processing.
 - (b) CLEAN ROOM.
 - (i) WORK COUNTERS.6
- (ii) STORAGE FOR ANESTHESIA SUPPLIES AND SMALL EQUIPMENT.

- (iii) SPACE FOR TESTING AND STORAGE OF ANESTHESIA MACHINES AND EQUIPMENT WITH ADEQUATE ELECTRICAL OUTLETS.²⁴
- (iv) LAVATORY OR SINK FOR HANDWASHING.
- (c) SOILED ROOM. May be omitted if cleaning to be done in clean-up or decontamination room or soiled processing areas elsewhere in the hospital.
 - (i) WORK COUNTERS.
 - (ii) DOUBLE COMPARTMENT SINK.
- (iii) STORAGE FOR CLEANING SUPPLIES AND EQUIPMENT.
 - (iv) Space for anesthesia carts.24
 - (14) ADMINISTRATIVE FACILITIES.
 - (a) CONTROL STATION.24
- (i) LOCATED TO PERMIT ((VISUAL SURVEIL-LANCE OF ALL TRAFFIC ENTERING SUITE)) COORDINATION OF FUNCTIONS AMONG OPERATING ROOMS and to permit visual surveillance of traffic entering suite.
 - (ii) TELEPHONE.
- (iii) ANNUNCIATOR FOR EMERGENCY SIGNALLING DEVICE UNLESS LOCATED IN ALTERNATE LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.*6
- (b) SUPERVISOR'S OFFICE PROVIDING PRI-VACY. May be combined with control station ((in suite having less than four major rooms (operating and delivery).

Telephone.))24

- (c) Surgery schedule board or equivalent.
- (d) Dictating facilities.
- (e) ((Anesthetist's office)) CONFERENCE ROOM FOR CONFIDENTIAL COMMUNICATION.²⁴ May be combined with other facilities, as appropriate.
 - (15) STAFF FACILITIES.
- (a) LOCATED ((TO BE ACCESSIBLE EITHER FROM IMMEDIATELY)) AND ARRANGED FOR ACCESS FROM OUTSIDE ((OR UPON ENTRANCE)) SUITE TO CLOTHING CHANGE AREA PRIOR TO ENTERING SUITE.
- (((a) MEN'S)) (b) LOCKER ROOM OR ROOMS, TOILET OR TOILETS, SHOWER OR SHOWERS, ((and lounge)) AND LOUNGE OR LOUNGES.
- ((A locker for each male who is employed in the suite or is an active member of the surgical or obstetrical medical staff, and additional lockers for associate or visiting medical staff.))
- (i) Lockers, secured spaces, or equivalent predicated upon daily average volume or flow of personnel, medical staff, and others to and from surgical suite.²⁴
- (ii) STORAGE <u>SPACE</u> FOR SCRUB CLOTHING.^{6, 18}
- (((b) WOMEN'S LOCKER ROOM, TOILET, shower, and lounge:

A locker for each female who is employed in the suite or is an active member of the surgical or obstetrical medical staff, and additional lockers for associate or visiting medical staff.

STORAGE)) (iii) SPACE FOR COLLECTION RECEPTACLES **FOR** SOILED $\overline{\text{CLOTHING.}((\frac{\delta_1 - 18}{\epsilon}))}$

(16) ((Recovery unit. 14

Located within or close to suite. IF WITHIN SUITE, **LOCATED NEAR ENTRANCE AND AWAY** FROM IMMEDIATE AREA OF OPERATING ROOMS AND, IF A COMBINED SUITE, AWAY FROM IMMEDIATE AREA OF DELIVERY ROOMS)) HOUSEKEEPING FACILITIES.

(17) RECOVERY OR POST ANESTHESIA CARE UNIT.

(18) Viewing gallery.

ACCESS TO GALLERY NOT THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIV-ERY ROOM and outside of suite.

GLASS SEPARATION BETWEEN GALLERY AND OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM.

(((18) Exchange and/or transfer area.))

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILI-TIES, WAC 248-18-710(5), HOUSEKEEPING FACILITIES.

May be movable equipment.

Where combustible anesthetic is to be used, see FLOOR FINISH-ES, WAC 248-18-718(5); VENTILATION, WAC 248-18-718(8); and ELECTRICAL SYSTEMS, WAC 248-18-718(10).

((POUTSIDE FRACTURE ROOM IF ROOM IS TO BE USED

AS AN OPERATING ROOM FOR OPEN SURGERY.))

10 See GENERAL REQUIREMENTS FOR SERVICE FACILI-TIES, WAC 248-18-710(4), CLEAN-UP FACILITIES.

"May be instrument sterilizer (high speed recommended) if only

instruments are to be sterilized within the suite.

May be instrument pressure sterilizer (high speed recommended)

or instrument washer-sterilizer.

¹³See RECEIVING ((AND)), STORES, <u>AND DISTRIBUTION</u>, WAC 248-18-700 (((5)))(10), FLAMMABLE ANESTHETIC STORAGE.

14 See Recovery Unit, WAC 248-18-560.

18 See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710(3), STORAGE FACILITIES.

In accordance with program.

⁵⁶See GENERAL DESIGN REQUIREMENTS, WAC 248-18-718 (11)(b)(iii).

NEW SECTION

WAC 248-18-568 FACILITIES FOR ONE-DAY PATIENT CARE. Optional. SHALL MEET RE-QUIREMENTS, IF INCLUDED.

- (1) LOCATED FOR CONVENIENT TRANSFER TO AND FROM A SURGICAL SUITE.24
- (2) WAITING ROOM OR AREA FOR FAMILY MEMBERS. May be combined with other waiting areas, if in close proximity.
 - (3) PATIENT CARE ROOM OR ROOMS.
- DIRECTLY **ACCESSIBLE** (a) FROM CORRIDOR.
- (b) ONE-BED ROOM OR ROOMS WITH ONE HUNDRED SOUARE FEET PER ROOM.
- (c) MULTI-BED ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET PER EACH BED, STRETCHER, OR EQUIVALENT. THIS SPACE MAY INCLUDE SUPPORT FACILITIES PERMIT-TED WITHIN THE ROOM, THREE FEET CLEAR

SPACE BETWEEN EACH BED, STRETCHER, OR EQUIVALENT.

- (d) EQUIPMENT.
- (i) OXYGEN OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.
- (ii) SUCTION OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.
- (iii) NURSE CALL SIGNAL DEVICE AT EACH BED, STRETCHER, OR EQUIVALENT. SEE WAC 248-18-718 (11)(b)(i) and (ii).
- (iv) CLOSET, LOCKER, OR EQUIVALENT PER EACH BED, STRETCHER, OR EQUIVALENT FOR PATIENT CLOTHING. May be in or adjacent to the patient care room or rooms.
 - (v) LAVATORY.
- (vi) MEDICAL EMERGENCY SIGNALLING DEVICE.5
- (vii) CUBICLE CURTAIN TRACKS OR RAILS OR EQUIVALENT TO PROVIDE COMPLETE SCREENING OF EACH BED, STRETCHER, OR EQUIVALENT TO PROVIDE VISUAL PRIVACY FOR EACH PATIENT IN MULTI-BED ROOMS
- (4) SERVICE FACILITIES LOCATED IN PA-TIENT CARE ROOM OR ROOMS OR ADJOIN-ING ROOM OR ROOMS OR AREAS.
- (a) SINK OR LAVATORY if service facility outside patient care room.
 - (b) WORK COUNTER.6
- (c) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED STORAGE FOR CON-TROLLED SUBSTANCES.6,24
 - (d) STORAGE UNIT.618
 - (e) REFRIGERATOR.6
 - (f) LINEN STORAGE.6
 - (g) CHARTING SURFACE OR DESK.6
 - (h) TELEPHONE.
- (5) SOILED UTILITY OR SOILED MATERIALS ROOM. REFER TO WAC 248-18-710 (2)(c) and (d).
- (6) PATIENT TOILET DESIGNED AND AR-RANGED TO ACCOMMODATE A PATIENT IN A WHEELCHAIR.
- (7) HOUSEKEEPING FACILITIES. 5 Suitable combination with other housekeeping facilities permitted, if convenient to one-day patient care facilities.
 - (8) Predischarge area or lounge.
 - (a) Multipatient accommodation.
 - (b) Seventy square feet per patient space.
- (c) curtain tracks or equivalent to provide for visual privacy for patients.
 - (d) Access to toilet.

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILI-TIES, WAC 248-18-710 (5), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILI-TIES, WAC 248-18-710(3), STORAGE FACILITIES.

In accordance with program.

56 See GENERAL DESIGN REQUIREMENTS, WAC 248-18-718 (11)(b)(iii).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-18-250 SURGERY SUITE.

WSR 85-23-018 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Order 2303—Filed November 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to effective date of increase or decrease in grant, amending WAC 388-33-140.

This action is taken pursuant to Notice No. WSR 85-20-096 filed with the code reviser on October 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 13, 1985.

By David A. Hogan, Director

Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2258, filed 7/17/85)

WAC 388-33-140 EFFECTIVE DATE OF INCREASE OR DECREASE IN GRANT. (1) Increase or reduction in grant:

- (a) When a person is added to the grant, the effective date of the change shall be the date the person entered the household or the date the person is determined eligible, whichever is later.
- (b) When a person's needs are added to a grant because he or she is being removed from a sanction status, the effective date of the change shall be the date the sanction is removed.
- (c) When a person moves from a supplied shelter to a renting or owning situation, the effective date of the grant increase shall be the date of the change.
- (d) When a person moves from an institution or congregate care facility and is otherwise eligible for a grant, the effective date of change is the date the person leaves the facility.
- (e) When any other change in circumstances other than income results in an increase or reduction of the assistance grant, the effective date of the change is the first of the month following the month in which the change occurred.

- (2) The effective date shall never precede the date the circumstances actually changed.
 - (3) Change in grant involving a canceled warrant:

When a warrant is canceled and assistance is to be reissued by an adjusting payment, the effective date of the grant as recomputed by the state office is the first of the month covered by the canceled warrant. If, according to the rule in subsection (1) of this section, any assistance is due the recipient for a month prior to that covered by the canceled warrant, the local office shall authorize a one-time grant.

(4) See WAC 388-28-483 for effective dates when budgeting income.

WSR 85-23-019 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2304—Filed November 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-11-011 Support enforcement—Definition.

Amd WAC 388-14-260 Distribution—Referrals from other states.

This action is taken pursuant to Notice No. WSR 85-20-064 filed with the code reviser on September 27, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 13, 1985.

By David A. Hogan, Director

Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2036, filed 10/6/83)

WAC 388-11-011 DEFINITIONS. For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

- (1) "Locate" shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.
- (2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:
- (a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent; or

- (b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under subsection (1)(a) of this section, or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or
- (c) When service cannot be accomplished, tracing activity as stated as follows:
- (i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities when appropriate;
- (ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership.
- (d) Referral to state parent locator service when tracing efforts under subsection (1)(c) of this section are exhausted;
- (e) Referral to the attorney general, a prosecuting attorney, or the Internal Revenue Service for specific legal or collection action.
- (3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC, or state only foster care grant is authorized, or September 1, 1979, whichever is later.
- (4) "Department" means the state department of social and health services.
- (5) "Secretary" means the secretary of the department of social and health services((;)) or the secretary's designee or authorized representative.
- (6) "Hearing examiner" shall mean the administrative law judge employed by the office of administrative hearings hearing the testimony and making the initial decision under chapter 388-11 WAC.
- (7) "Dependent child" means any person under the age of twenty-one not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.
- (8) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington or a court of comparable jurisdiction of another state establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys((, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of)) to satisfy the support ((moneys)) obligation. Orders of the superior court failing to expressly require payment of support by a responsible parent or orders failing to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.
- (9) "Administrative order" means any determination, finding, decree, or order for support issued pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable

- amount of support moneys to satisfy the support obligation.
- (10) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.
- (11) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.
- (((10))) (12) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.
- (((11))) (13) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.
- (((12))) (14) "Future" support or "future and current" support or "future/current" support shall mean support moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.
- (((13))) (15) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order; a debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action to establish and enforce a support obligation or support debt.
- (16) (("Debt,")) "Arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month, but is owed for a period of time in the past.
- (((14))) (17) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.
- (((15))) (18) "Good cause" means there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in RCW 4.72.010 and ((CR60)) Civil Rule 60 and allegation is made of a defense under WAC 388-11-065.
- (((16))) (19) "Assignment pursuant to RCW 74.20A-.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.
- $((\frac{17}{17}))$ (20) Fraud for the purposes of WAC 388-11-115 means:
- (a) The representation of the existence or nonexistence of a fact;
 - (b) Its materiality;
 - (c) Its falsity;

- (d) The speaker's knowledge of its truth;
- (e) His or her intent that it should be acted on by the person to whom it is made;
- (f) Ignorance of its falsity on the part of the person to whom it is made;
- (g) The latter's reliance on the truth of the representation;
 - (h) His or her right to rely upon it; and
 - (i) His or her subsequent damage.
- (21) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-260 DISTRIBUTION—REFER-RALS FROM OTHER STATES. (1) ((When another state reassigns to the office of support enforcement of the state of Washington debt previously assigned to that other state under 45 CFR 232.11, collection action may be taken by the office of support enforcement under chapter 74.20A RCW to satisfy the requirements to enforce obligations of the other states accrued and/or accruing pursuant to an order of the superior court of the state of Washington or an order of a court of another state comparable in jurisdiction to the superior court of the state of Washington)) When a child support enforcement agency in another state, operating a child support program under Title IV-D of the Social Security Act, submits a request for support enforcement services under RCW 74.20.040(3), the office of support enforcement shall initiate appropriate action to establish, enforce, and collect the support obligation. The request shall be signed by an authorized official of the state agency and shall contain appropriate information and be accompanied by appropriate documentation to support the action to establish, enforce, and/or collect the support obligation. The following is a list of some of the information/documentation that may be submitted with the request for support enforcement services:

(a) The responsible parent's name, address, Social Security Number, date of birth, present or last known employer, earnings or ability to earn, employment history, property and resources, and physical description;

(b) The custodian's name, address, and Social Security Number;

(c) The names, address, Social Security Numbers, and dates of birth of the dependent children;

(d) A certification that the request is being submitted under Title IV-D of the Social Security Act and identification of the case as a public assistance or nonassistance case;

(e) A copy of any superior court order or administrative order establishing the support obligation and any order modifying the court or administrative order;

(f) A copy of any official record of support payments made by the responsible parent or, if no such record exists, an affidavit setting forth the amount of support due under the superior court or administrative order, the period during which support was due and payable, and the amounts and dates of support payments;

- (g) If there is no superior court or administrative order for support, an affidavit setting forth the following:
- (i) A statement of facts establishing or tending to establish the existence of a legally enforceable support obligation;
- (ii) A statement of the dates and amounts of any public assistance payments or a statement reflecting the needs of the children for food, clothing, shelter, medical support, or other necessities if no such assistance has been provided.
- (2) ((Support payments so collected by the state of Washington are remitted in the total amount received to the other state)) If a superior court order has been entered establishing the responsible parent's support obligation, the office of support enforcement may proceed under RCW 74.20A.040 to enforce the support obligation and initiate further enforcement and collection action as authorized by law.
- (3) If an administrative order has been entered by an agency in another state establishing the responsible parent's support obligation, the office of support enforcement may issue a notice of debt accrued and/or accruing created by the administrative order. Said notice shall be served upon the debtor in the manner prescribed for service of a summons in a civil action or be served on the debtor by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. The notice of debt shall include a statement of the support debt accrued, computable on the amount required to be paid under the administrative order; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the support debt. The notice shall also include a statement of the amount of the monthly payment for future/current support the responsible parent is required to make under the administrative order.

(a) Any debtor objecting to all or any part of the notice of debt shall have a right to request a contested hearing under chapter 34.04 RCW. The request shall be in writing and shall include a statement of the grounds and defenses upon which relief from the administrative order is sought and/or the basis for modification of the amount for future/current support.

The request shall be served upon the office of support enforcement by registered or certified mail or personally. If a hearing is requested, it shall be promptly scheduled in no more than thirty days from the date of receipt of the request. If a request for hearing is made within twenty days of the date of service of the notice, collection action shall be stayed pending the decision on such hearing. If no such request is made within this twenty—day period, the support debt and/or the amount of the future/current support payments shall become final subject to the provisions of WAC 388-14-260(3)(e) and shall be subject to collection action.

(b) The scope of the hearing shall be limited to the grounds and defenses enumerated in superior court Civil Rule 60 which may entitle the debtor to relief from the administrative order and/or a determination whether or

not the amount of the monthly payment for future/current support should be modified in accordance with the provisions of WAC 388-11-140. The burden of proof to establish such grounds and defenses and/or a material change in circumstances shall be on the debtor.

(c) If the debtor presents evidence which would constitute a full or partial defense and/or grounds for modification, upon request, the administrative law judge may continue the hearing to permit the parties to submit further evidence. Pending further hearing and the entry of an initial decision, the debtor may be ordered to pay or make reasonable payments on any undisputed portion of the support debt and to pay current support if owed.

- (d) The provisions of the following sections of chapter 388-11 WAC are incorporated by reference and made applicable to the hearing process provided for in this section to the extent they are consistent with and relevant to the hearing process: WAC 388-11-015, 388-11-065, 388-11-070, 388-11-100, 388-11-105, 388-11-115, 388-11-120, 388-11-130, 388-11-135, 388-11-140, 388-11-145, 388-11-150, 388-11-155, 388-11-170, 388-11-180, 388-11-185, 388-11-190, and chapter 10-08 WAC.
- (e) If a written request for hearing is served upon the office of support enforcement after the twenty-day period, the debtor's right to relief from the administrative order shall be determined pursuant to the provisions of Civil Rule 60. A contested hearing under chapter 34.04 RCW shall be promptly scheduled in response to such a request. The filing of the petition for a hearing after the twenty-day period shall not affect any collection action previously taken under chapter 74.20A RCW. The granting of a request for hearing shall operate as a stay on any future collection action, pending the final decision of the secretary or the secretary's designee on the hearing. Moneys withheld as a result of collection action in effect at the time of the granting of the request for the hearing shall be delivered to the department and shall be held in trust by the department pending the final order of the secretary or during the pendency of any appeal to the courts made under chapter 34.04 RCW. The department may petition the administrative law judge to require the responsible parent to pay future/current support. If an order for future/current support is entered and the responsible parent fails to comply with the order, the office of support enforcement may take appropriate collection action.
- (4) If there is no superior court order or administrative order, the office of support enforcement may issue a notice and finding of financial responsibility and proceed in accordance with the provisions of RCW 74.20A.055 which are incorporated by reference herein, to establish the support obligation, and initiate further enforcement and collection action as authorized by law.
- (5) If the office of support enforcement is unable to establish, enforce, and/or collect the support obligation in response to the request or otherwise deems it appropriate under the circumstances, the case may be referred to the county prosecuting attorney or attorney general's office for collection action.
- (6) A petition that has been or may be transmitted from another state for enforcement under the Uniform

- Reciprocal Enforcement of Support Act, chapter 26.21 RCW, may be deemed to be a request for support enforcement services sufficient to authorize the office of support enforcement to initiate action to establish, enforce, and collect the support obligation in accordance with this section.
- (7) If the office of support enforcement is unable to locate the responsible parent after reasonable and diligent efforts, the requesting agency fails to provide sufficient information to locate the responsible parent and/or establish and enforce the support obligation, or the case does not appear to have collection potential for the foreseeable future, the office of support enforcement may discontinue support enforcement services and return the request and accompanying documentation to the requesting agency.

(8) If the office of support enforcement is notified by the requesting agency that the custodian of the dependent child or children is moving to another state, support enforcement services on behalf of the custodian may be continued for a period not to exceed five months.

- (9) When the responsible parent is residing and/or employed in another state and support enforcement services are being provided under RCW 74.20.040 (1) or (2), the office of support enforcement may execute and submit a request for support enforcement services similar to the request described in this section to the IV-D agency of that state, or may refer the case to the county prosecuting attorney or the attorney general's office for appropriate action.
- (10) Upon request from another state, the office of support enforcement shall provide available information/ documentation from case files, including but not limited to copies of superior court orders, administrative orders, pay records, and statements/affidavits of support debts. employment, and public assistance records.

WSR 85-23-020 ADOPTED RULES **DEPARTMENT OF** SOCIAL AND HEALTH SERVICES (Health)

[Order 2305—Filed November 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

WAC 248-18-017 Hospitals-License to cover two or more buildings.

WAC 248-18-440 Hospitals—Record system.

This action is taken pursuant to Notice No. WSR 85-20-006 filed with the code reviser on September 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 13, 1985.

By David A. Hogan, Director

Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-017 SINGLE LICENSE TO COVER TWO OR MORE BUILDINGS—WHEN PER-MISSIBLE. When an applicant and the hospital facility for which such application is submitted meet the licensure requirements of chapter 70.41 RCW and chapter 248-18 WAC, the department may issue a single hospital license to include two or more buildings, provided ((such buildings are connected by an enclosed and heated passageway which has been approved by the department. Such passageway shall be so constructed as to permit the transfer of patients, equipment, and supplies between the buildings)):

(1) The licensee shall operate the multiple buildings

as a single integrated system.

(a) All buildings or portions of buildings under a single license shall be governed by a single governing body and under administrative control of a single administrator, and

- (b) All hospital facilities operating under a single license shall have a single medical staff.
- (2) Buildings connected by a heated, enclosed passageway are considered a single building and the passageway shall be constructed and maintained to permit the safe transfer of patients, equipment, and supplies.
- (3) Safe, appropriate, and adequate transport of patients between buildings shall be provided.
- (4) Hospital buildings included under one license shall not be located more than ten surface miles apart.

AMENDATORY SECTION (Amending Order 142, filed 2/8/77)

WAC 248-18-440 RECORDS AND REPORTS—MEDICAL RECORD SYSTEM. The hospital shall have a well-defined medical record system and the facilities, staff, equipment, and supplies necessary to the development, maintenance, control, analysis, use, and preservation of patient care data and medical records in accordance with recognized principles of medical record management and applicable state laws and regulations.

- (1) Medical record service. There shall be an organized medical record service which is directed, staffed, and equipped to ensure timely, complete and accurate checking, processing, indexing, filing, and preservation of medical records and the compilation, maintenance, and distribution of patient care statistics.
- (2) Policies and procedures related to medical record system. The hospital shall have, in effect, current written policies and procedures related to the medical record system, which shall include the following:

- (a) Policies and procedures which establish the format of patients' individual medical records;
- (b) Policies and procedures which govern access to and release of data in patients' individual medical records and other medical data taking into consideration the confidential nature of these records; and
- (c) Policies and procedures which govern the retention, preservation, and destruction of medical records.
- (d) Records of hospitals owned or operated by the state of Washington, or a political subdivision thereof, are subject to the provisions of chapter 40.14 RCW, and regulations promulgated thereunder, as to the maintenance and disposition of medical records and other records kept in the ordinary course of business.
 - (3) Patients' medical records, general.
- (a) An individual medical record shall be developed and maintained for each person, including each neonate, who receives care, treatment, or diagnostic service at the hospital, with the exception of persons who receive only limited outpatient diagnostic services for whom the hospital maintains a record system in accordance with WAC 248-18-440(4).
- (b) There shall be a systematic method for identifying each patient's medical ((record(s))) record or records in a manner that provides for ready identification, filing, and retrieval of all of the patient's ((record(s))) record or records.
- (c) Pertinent entries on a significant observation, a diagnostic or treatment procedure or other significant event in a patient's clinical course or care and treatment shall be made in a patient's medical record as promptly as possible.
- (d) Each entry in a patient's medical record shall be dated and shall be authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment, or other service to which the entry pertains.
- (e) The originals or durable, legible, direct copies of originals of reports shall be filed in patients' individual medical records.
- (f) All diagnoses and operative procedures shall be entered in patients' medical records in terminology consistent with a recognized system of disease and operations nomenclature.
- (g) All entries in a patient's medical record shall be legibly written in ink, typewritten, or recorded on a computer terminal which is designed to receive such information. Entries recorded and stored in a computer may be stored on magnetic tapes, discs, or other devices suited to the storage of data.
- (4) Record system for referred outpatient diagnostic services. For patients to whom the hospital provides only referred outpatient diagnostic services as defined in WAC 248-18-001(((24))), the hospital may maintain a simple record system instead of the individual medical records required under WAC 248-18-440 (3) and (5). Such a simple record system shall provide for identification, filing, and retrieval of authenticated reports on all tests or examinations provided to any patient who received referred outpatient diagnostic services.
- (5) The individual medical records for patients who would be considered to be referred outpatients but for

the fact that they are undergoing diagnostic tests involving the use of parenteral injections may be limited to relevant history and physical findings where indicated, known allergies or idiosyncratic reactions, diagnostic interpretation, written consent, and identifying admission data.

- (6) Patients' medical records, content. The following data, when relevant, shall be entered in a medical record for each period a patient receives inpatient or outpatient services, with the exceptions of referred outpatient diagnostic services for which records are maintained in accordance with WAC 248-18-440(4) and outpatient emergency care services for which records are maintained in accordance with WAC 248-18-285(6).
- (a) Admission data. Admission data shall include the following: Identifying and sociological data; the full name, address, and telephone number of the patient's next of kin or, when indicated, another person who may legally exercise control over the person of the patient; the date of the patient's admission as an inpatient or outpatient; the ((name(s))) name or names of the patient's attending ((physician(s))) physician or physicians; and the admitting (provisional) diagnosis or medical problem.
- (b) A report on any medical history obtained from the patient.
- (c) ((Report(s))) Report or reports on the findings of physical ((examination(s))) examination or examinations performed upon the patient.
- (d) An entry on any known allergies of the patient or known idiosyncratic reaction to a drug or other agent.
- (e) Authenticated orders for any drug or other therapy administered to a patient and for any diet served to the patient. Authenticated orders entered in the patient's record shall include any standing medical orders used in the care and treatment of the patient except standing medical emergency orders.
- (f) Authenticated orders for any restraint of the patient.
- (g) Reports on all roentgenologic examinations, clinical laboratory tests or examinations, macroscopic and microscopic examinations of tissue, and other diagnostic procedures or examinations performed upon the patient or specimens obtained from the patient.

X-ray films, laboratory slides, tissue specimens, medical photographs, and other comparable materials obtained through procedures employed in diagnosing a patient's condition or assessing his or her clinical course are regarded as original clinical evidence and are not considered to be "medical records" as this term is used in these regulations.

- (h) An entry on each administration of therapy (including drug therapy) to the patient.
- (i) Entries on nursing services to the patient. Nursing entries shall include: A report on all significant nursing observations and assessments of the patient's condition or response to care and treatment; nursing interventions((;)) and other significant direct nursing care including all administration of drugs or other therapy; an entry on the time and reason for each notification of a physician or patient's family regarding a significant

- change in the patient's condition; and a record of other significant nursing action on behalf of the patient.
- (j) An entry on any significant health education, training, or instruction related to the patient's health care which was provided to the patient or his or her family.
- (k) An entry on any social services provided the patient.
- (1) An entry regarding any adverse drug reaction of the patient and any other untoward incident or accident involving the patient which occurred during a hospitalization of the patient or on an occasion of the patient's visit to the hospital for outpatient services.
- (m) Operative ((report(s))) report or reports on all surgery performed upon the patient.
- (n) An entry or report on each anesthetic administered to the patient.
- (o) ((Report(s))) Report or reports on ((consultation(s))) consultation or consultations concerning the patient.
- (p) For any woman who gave birth to a child in the hospital, reports regarding her labor, delivery, and ((post partum)) postpartum period.
- (q) For any infant born in or enroute to the hospital, the date and time of birth, condition at birth or upon arrival at the hospital, sex, and weight (if condition permits weighing).
- (r) Progress notes which describe the results of treatment and changes in the patient's condition and portray the patient's clinical course in chronological sequence.
- (s) In the event of an inpatient leaving without medical approval, an entry on any known events leading to the patient's decision to leave, a record of notification of the physician regarding the patient's leave, and the time of the patient's departure.
- (t) Discharge data. Discharge data shall include the final diagnosis (or diagnoses) and any associated or secondary diagnoses or complications, and the titles of all operations performed upon the patient. For any inpatient whose hospitalization exceeded ((48)) forty—eight hours, except a normal newborn infant or normal obstetrical patient, there shall be a discharge summary which recapitulates significant clinical findings and events during the patient's hospitalization, describes the patient's condition upon discharge or transfer, and summarizes any recommendations and arrangements for future care of the patient.
- (u) An entry on any transmittal of medical and related data regarding the patient to a health care facility or agency or other community resource to which the patient was referred or transferred.
- (v) In event of the patient's death in the hospital, the following entries, reports, and authorizations: A pronouncement of death; if an autopsy was performed, an authorization for the autopsy and a report on the autopsy findings and conclusions; and an entry on release of the patient's body to a mortuary or coroner or medical examiner.
- (w) Written consents, authorizations, or releases given by the patient or, if the patient was unable to give such consents, authorizations, or releases, by a person or agency who can legally exercise control over the person

- of the patient. When a person other than the patient gives written consent or authorization for treatment, or signs a release, the relationship (legal or familial) of the ((signor)) signer to the patient must be clearly stated.
- (7) Registers. The hospital shall maintain the following on a current basis: An inpatient register, one or more outpatient registers, an emergency service register, and an operation register. These may be maintained as separate registers or in suitable combinations: PROVIDED, That any combined register contains the data for any register incorporated therein. Data shall be entered in registers in chronological order.
- (a) The register for inpatients shall contain at least the following data for each inpatient admission: The patient's identifying number, full name, and birth date or age; and the date of the patient's admission.
- (b) The ((register(s))) register or registers for outpatients, other than those who received emergency care services, shall contain sufficient data on each outpatient to ensure positive identification and rapid retrieval of all of the outpatient's medical ((record(s))) record or records when indicated.
- (c) The register for outpatient emergency care services shall be in accordance with WAC 248-18-285 (6)(a).
- (d) The operation register shall contain at least the following data for each operation performed in a hospital surgery: The date, the identifying number and full name of the patient, the descriptive name of the operation, the names of the surgeon and the surgeon's ((assistant(s))) assistant or assistants, the type of anesthesia, and the name and title of the person who administered the anesthesia.
- (8) Indexes. The following indexes shall be maintained: A master patient index, disease and operation indexes, and physicians' index which may be kept as a separate index or in combination with disease and operation indexes.
- (a) The master patient index shall contain a master reference card (or equivalent) for each person who received care or treatment in the hospital on an inpatient or outpatient basis with the exception of referred outpatients, except that inclusion of data on outpatient emergency patients in the master patient index shall be optional if the hospital retains and preserves an emergency service register the same period of time as the medical record for any patient upon whom data have been entered in the emergency service register. Each master reference card (or equivalent) shall contain at least the following data: The patient's medical record ((number(s))) number or numbers, and the patient's full name and date of birth.
- (b) The disease index shall contain index cards (or equivalent) for all categories of diseases or conditions treated in the hospital on an inpatient basis. Entries on index ((card(s))) card or cards for a given category of disease shall include at least the following: The identifying number, sex, and age of each patient who was treated for that category of disease, and the code for the particular disease or condition for which each patient was treated.

- (c) The operation index shall contain index cards (or equivalent) for all categories of operations performed in a hospital surgery on an inpatient or outpatient basis. Entries on the index ((card(s))) card or cards for a given category of operation shall include at least the following: The medical record number, age, and sex of each patient upon whom that category of operation was performed and the code for the particular operative procedure performed upon each patient.
- (d) Codes used for entries in the disease and operation indexes shall be in accordance with the coding system and the recognized diagnostic classification system of disease and operation nomenclature adopted by the hospital.
- (e) If the physicians' index is combined with the disease and operation indexes, the name or code number of the physician, who treated the patient to whom a particular entry pertains, shall be included in each entry in the disease and operation indexes.
- (f) If a separate physicians' index is maintained, this index shall contain a record for every member of the hospital's medical staff. Entries on each physician's index card (or equivalent record) shall include the medical record number or name of each patient the particular physician treated in the hospital on an inpatient basis.
- (g) Indexes shall be kept current and, in any case, required entries on index cards (or equivalent) shall have been completed within three months after discharge or transfer of the particular patient to whom the entries pertain.
- (9) Reports on hospital services. The following reports are required. These may be separate or combined reports.
 - (a) Census reports.
- (i) A daily inpatient census report on admissions to inpatient services, births, and discharges including deaths and transfers to another health care facility.
- (ii) Periodic (at least monthly) reports on admissions to outpatient services and the number of emergency care patients.
 - (b) Analyses of hospital services.
- (10) Storage, handling, and control of medical records and other medical data. Patients' individual medical records and other personal or medical data on patients shall be handled and stored so they are not accessible to unauthorized persons, are protected from undue deterioration or destruction, and are easily retrievable for medical or administrative purposes.
- (11) Retention, preservation, and final disposal of medical records and other patient care data and reports.
- (a) Each patient's medical ((record(s))) record or records, excluding reports on referred outpatient diagnostic services, shall be retained and preserved for a period of no less than ten years following the most recent discharge of the patient: PROVIDED((z)) HOWEVER, That the medical ((record(s))) record or records of a patient who was a minor at a time when he or she received care, treatment, or diagnostic services at the hospital shall be retained and preserved for a period of no less than three years following the date upon which the patient attained the age of eighteen years or ten years

following the patient's most recent discharge, whichever is the longer period of time.

- (b) Reports on referred outpatient diagnostic services shall be retained and preserved at least two years.
- (c) A master patient index card (or equivalent) shall be retained and preserved at least the same period of time as the medical ((record(s))) record or records for the patient to whom the master patient index card (or equivalent) pertains.
- (d) Data in the inpatient and outpatient ((register(s))) register or registers shall be retained and preserved at least three years.
- (e) Data in an emergency service register shall be retained and preserved at least the same period of time as the medical ((record(s))) record or records for any patient on whom data have been entered in the register: PROVIDED((7)) HOWEVER, That retention and preservation of an emergency service register beyond three years after the last entry therein shall be optional if the hospital includes all outpatient emergency care patients in the master patient index.
- (f) Data in the operation register, the disease and operation indexes, the physicians' index, and annual reports on analyses of hospital services shall be retained and preserved at least three years.
- (g) Patients' medical records, registers, indexes, and analyses of hospital service may be retained and preserved in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.
- (h) Final disposal of any patient's medical record, register, index, or other record of or report on patient care data that permits identification of an individual in relation to personal or medical data shall be accomplished in such a manner that retrieval and subsequent use of any data contained therein are impossible.
- (i) In event of transfer of ownership of the hospital, patients' medical records, registers, indexes, and analyses of hospital services shall remain with the hospital and shall be retained and preserved by the new owner in accordance with state statutes and regulations.
- (j) If the hospital ceases operation, ((it)) the hospital shall make immediate arrangements for preservation of its medical records and other records of or reports on patient care data in accordance with applicable state statutes and regulations. The plan for such arrangements shall have been approved by the department prior to the cessation of operation.
- (12) Records kept by approved eye banks pursuant to WAC 248-33-100 are not medical records or registers within the meaning of WAC 248-18-440.
- (13) Nothing in these regulations shall be construed to prohibit the collection of additional health and/or medical information or retention of medical records beyond the statutory requirements.

WSR 85-23-021 PROPOSED RULES DEPARTMENT OF CORRECTIONS

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Reimbursable impacts/rates—Criminal justice costs, amending WAC 137-70-040.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 31, 1985.

The authority under which these rules are proposed is RCW 72.72.040.

The specific statute these rules are intended to implement is chapter 72.72 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 24, 1985.

Dated: November 13, 1985
By: Robert E. Trimble
for Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend WAC 137-70-040, Reimbursable impacts/rates—Criminal justice costs.

Statutory Authority: RCW 72.72.040. Statute Implemented: Chapter 72.72 RCW.

Summary of Rule and Reason for Proposed Change: To equalize the maximum reimbursement to political subdivisions for jail costs under chapter 72.72 RCW, WAC 137-70-040, with the reimbursement rate established by the Office of Financial Management under chapter 70.48 RCW with respect to persons convicted of a felony and committed to the custody of the Department of Corrections.

Person Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, FN-61, Olympia, Washington 98504, (206) 753-5770; Implementing and Enforcing the Rule: Robert E. Trimble, Deputy Secretary, Department of Corrections, P.O. Box 9699, FN-61, Olympia, Washington 98504, (206) 753-1508.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

AMENDATORY SECTION (Amending Order 85-08, filed 5/29/85, effective 7/1/85)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or

(2) All such petitions shall be delivered or mailed to the office of the secretary, department of corrections, P.O. Box 9699, Olympia, Washington 98504.

NEW SECTION

WAC 137-10-020 FORM OF PETITION. (1) A petition filed under this chapter shall be typewritten or prepared in other legible form on 8 1/2" by 11" white paper.

(2) If such petition is for the promulgation, amendment, or repeal of a department rule, it shall be captioned as follows:

In the matter of the petition? of (name of the petitioning) party).

Petition for (state whether for promulgation, amendment, or repeal) of rule(s).

(3) If such petition is for a declaratory ruling it shall be captioned as follows:

In the matter of the petition } of (name of petitioning party)}

Petition for Declaratory Ruling

(4) The text of such petitions shall be set out in consecutively numbered paragraphs, the first of which shall contain the name and mailing address of the petitioning party. All petitions shall be dated and signed by the petitioning party.

(5) A petition for the promulgation, amendment, or repeal of a department rule shall set forth:

(a) A statement of whether the petition is for the promulgation of a

new rule, or the amendment or repeal of an existing rule;

(b) The full text of any desired new rule, or the citation and full text of any existing rule and the full text of the amendment sought, or the citation and full text of any rule sought to be repealed;

(c) The reason for the requested promulgation, amendment, or repeal;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the requested promulgation, amendment, or repeal; and

(e) The nature of the interest of the petitioning party in the subject matter of the rule.

(6) A petition for a declaratory ruling of the department shall set forth:

(a) The full text and citation of the rule or statute upon which the declaratory ruling is sought;

(b) The nature of the declaratory ruling sought;

(c) The reasons why the declaratory ruling is sought;

(d) The facts, allegations, and arguments on which the petitioning party relies in support of the issuance of the declaratory ruling; and

(e) The nature of the interest of the petitioning party in the subject matter of the petition.

NEW SECTION

WAC 137-10-025 CONSIDERATION AND DISPOSITION. (1) Within thirty days after its receipt, a petition filed pursuant to this chapter will be considered by a member(s) of the department's staff appointed by the secretary for that purpose. Such staff member(s) may conduct a hearing on the petition, in which event the petitioning party will be given twenty days notice of the date, time, and place for such hearing. Upon completion of its consideration, the department staff will submit its recommendation with respect to the petition to the secretary

(2) Within thirty days after receipt of the staff's recommendations the secretary will consider the petition and the recommendations and decide either to deny the petition or, as the case may be, to direct rulemaking proceedings consistent with the petition be commenced; or decide that a declaratory ruling be issued

3) The petitioning party will be notified of the secretary's decision in writing. If the petition is denied, the reason for such denial will be set forth in the notice. If a declaratory ruling is issued, a copy will be mailed to the petitioning party.

WSR 85-23-023 PROPOSED RULES DEPARTMENT OF CORRECTIONS

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning:

ch. 275-53 WAC Sale of items produced by vocational Rep training students in correctional institutions.

ch. 137-20 WAC Sale of products and services of vocation-New

al education students.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 31, 1985.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is chapter 72.62 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 24, 1985.

Dated: November 13, 1985 By: Robert E. Trimble for Amos E. Reed Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: Repealing chapter 275-53 WAC, Sale of items produced by vocational training students in correctional institutions; and adopting chapter 137-20 WAC, Sale of products and services of vocational education students.

Statutory Authority: RCW 72.01.090.

Statute Implemented: Chapter 72.62 RCW.

Summary of Rule: To establish procedures for the sale of products produced and services performed by inmates of adult correctional institutions enrolled in vocational education programs. These had been codified under chapter 275-53 WAC, and this action recodifies those procedures under chapter 137-20 WAC.

Persons Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, FN-61, Olympia, WA 98504, (206) 753-5770; Implementing and Enforcing the Rule: Justus Freimund, Assistant Secretary, Department of Corrections, P.O. Box 9699, FN-61, Olympia, WA 98504, (206) 753-7400.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

This rule is not necessitated by federal law or federal or state court action.

This rule will have no economic impact on small businesses.

Chapter 137-20 WAC SALE OF PRODUCTS AND SERVICES OF VOCATIONAL ED-**UCATION STUDENTS**

WAC

137-20-005 Definitions. outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

- (a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.
- (b) \$19.81 per hour for the period July 1, 1986, through June 30, 1987.
- (2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

- (b) \$47.37 per hour from July 1, 1986, through June 30, 1987.
- (3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:
- (a) Judges \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1987. These costs shall include the services of court clerks and hailiffs
- (b) Court reporters \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1987.
- (c) Transcript typing services \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1987.
- (d) Expert witnesses \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1987.
- (e) Witness fees/nonexpert jury fees reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1987
- (4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$((8.02))15.00 per inmate day from July 1, 1985, through June 30, 1986 and \$((8.35))15.00 for the period July 1, 1986, through June 30, 1987.
- (5) Coroner Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the committee as reasonable.
- (6) Medical costs Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the committee. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

WSR 85-23-022 PROPOSED RULES DEPARTMENT OF CORRECTIONS

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning petition for promulgation, amendment, or repeal of rule or for declaratory ruling, adopting chapter 137-10 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 31, 1985.

The authority under which these rules are proposed is RCW 34.04.060, 34.04.080 and 72.01.090.

The specific statute these rules are intended to implement is RCW 34.04.060 and 34.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 24, 1985.

Dated: November 13, 1985
By: Robert E. Trimble
for Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: Adopting chapter 137-10 WAC, Petition for promulgation, amendment, or repeal of rule or for declaratory ruling.

Statutory Authority: RCW 34.04.060 and 34.04.080. Statute Implemented: RCW 34.04.060 and 34.04.080.

Summary of Rule: To establish the procedures by which interested parties may petition the Department of Corrections for the promulgation, amendment, or repeal of a rule pursuant to RCW 34.04.060, or for a declaratory ruling pursuant to RCW 34.04.080.

Person Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, FN-61, Olympia, Washington 98504, (206) 753-5770; Implementing and Enforcing the Rule: Amos E. Reed, Secretary, Department of Corrections, P.O. Box 9699, FN-61, Olympia, Washington 98504, (206) 753-2500.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

This rule is not necessitated by federal law or federal or state court decision.

This rule will have no economic impact on small businesses.

Chapter 137–10 WAC PETITION FOR PROMULGATION, AMENDMENT, OR REPEAL OF RULE OR FOR DECLARATORY RULING

NAC

 137-10-005
 Purpose.

 137-10-010
 Definitions.

 137-10-015
 Qualifications and filing.

 137-10-020
 Form of petition.

 137-10-025
 Consideration and disposition.

NEW SECTION

WAC 137-10-005 PURPOSE. The purpose of this rule is to establish the procedures by which an interested party may petition the department of corrections for the promulgation, amendment, or repeal of a rule pursuant to RCW 34.04.060, or for a declaratory ruling pursuant to RCW 34.04.080.

NEW SECTION

WAC 137-10-010 DEFINITIONS. (1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of the department of corrections or the secretary's designee.

NEW SECTION

WAC 137-10-015 QUALIFICATIONS AND FILING. (1) Any interested person may petition the department for the promulgation of a new department rule, the amendment or repeal of an existing department rule, or for a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforced by the department.

137-20-010 Sale of products and services.

137-20-015 Proceeds of sales.

NEW SECTION

WAC 137-20-005 DEFINITIONS. As used in this chapter the following words shall have the following meanings:

- (1) "Vocational education" shall have the same meaning as set forth in RCW 72.62.020.
- (2) "Students" means inmates of adult correctional institutions or facilities enrolled in a vocational education program.
- (3) "Products" means goods, wares, articles, or merchandise produced by students as part of a vocational education program.
- (4) "Services" means work performed for others by students as part of a vocational education program not related to the production of products.

NEW SECTION

WAC 137-20-010 SALE OF PRODUCTS AND SERVICES. Superintendents and administrators of adult correctional institutions and facilities, or their designees, may adopt procedures for the sale of products and services on the open market. The prices for products sold on the open market may be established at levels sufficient to recover the cost of production, including the cost of materials used and the value of depreciation of equipment used to produce the products. The prices for services sold on the open market may be established at levels sufficient to recover the cost of performing the service.

NEW SECTION

WAC 137-20-015 PROCEEDS OF SALES. The proceeds from the sale of products shall be credited to the institution or facility where the products were produced, deposited in a revolving fund, and expended for the purchase of supplies, materials, and equipment for use in vocational education programs. The proceeds from the sale of services shall be credited to the institution or facility where the services were performed, and may be expended for the purchase of supplies, materials, and equipment for use in vocational education programs, and for the payment of wages earned by students in performing services.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 275-53-050 SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS.

WAC 275-53-055 REQUIREMENTS OF SALE AND NOTICE.

WAC 275-53-060 DISPLAY.

WAC 275-53-065 PROCEEDS OF SALE.

WSR 85-23-024 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to Transportation of radioactive materials—Driving and parking rules, WAC 480-12-196. The proposed adoption is shown below as Appendix A, Cause No. TV-1923. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed adoption on

economic values, pursuant to chapter 42.21H [43.21H] RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rule adopted on an emergency basis on November 13, 1985, General Order No. R-245, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.290.

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 27, 1985.

Dated: November 13, 1985

By: Paul Curl

Acting Secretary

STATEMENT OF PURPOSE

In the matter of adopting WAC 480-12-196 relating to Transportation of radioactive materials—Driving and parking rules.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to require that a responsible person attend vehicles in which radioactive materials are being transported by common or contract carriage over the highways of this state.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.290.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

NEW SECTION

WAC 480-12-196 TRANSPORTATION OF RADIOACTIVE MATERIALS—DRIVING AND PARKING RULES. (1) Attendance and surveillance of motor vehicles.

- (a) A motor vehicle which contains any amount of radioactive material which requires placards must be attended at all times by its driver or a qualified representative of the motor carrier that operates it
- (b) Subdivision (a) of this subsection does not apply to a motor vehicle which contains a placardable amount of radioactive material if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

- (i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;
 - (ii) A qualified representative of a motor carrier is a person who:
 - (A) Has been designated by the carrier to attend the vehicle;
- (B) Is aware of the nature of the radioactive materials contained in the vehicle:
- (C) Has been instructed in the procedures to be followed in emergencies; and
- (D) Is authorized to move the vehicle and has the means and ability to do so.
- (d) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.
- (2) Parking. A motor vehicle which contains a placardable amount of radioactive material must not be parked:
- (a) On or within five feet of the traveled portion of a public street or highway;
- (b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or
- (c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

WSR 85-23-025 EMERGENCY RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-245, Cause No. TV-1923—Filed November 13, 1985]

In the matter of adopting WAC 480–12–196 relating to Transportation of radioactive materials—Driving and parking rules.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the need for special handling of increased traffic in the movement of radioactive products on the public highways of this state.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.80.290.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This adoption of WAC 480-12-196 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-196 should be adopted, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-196 as adopted, will require that a responsible person attend vehicles in which radioactive materials are being transported by common or contract carriage on the highways of this state.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480–12–196 as set forth in Appendix A, be adopted, as an emergency rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 13th day of November, 1985.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

APPENDIX "A"

NEW SECTION

WAC 480-12-196 TRANSPORTATION OF RADIOACTIVE MATERIALS—DRIVING AND PARKING RULES. (1) Attendance and surveillance of motor vehicles.

- (a) A motor vehicle which contains any amount of radioactive material which requires placards must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.
- (b) Subdivision (a) of this subsection does not apply to a motor vehicle which contains a placardable amount of radioactive material if all of the following conditions exist:
- (i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material; and
- (ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and
- (iii) The vehicle is within the bailee's unobstructed field of view.
 - (c) For purposes of this section:

- (i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;
- (ii) A qualified representative of a motor carrier is a person who:
- (A) Has been designated by the carrier to attend the vehicle.
- (B) Is aware of the nature of the radioactive materials contained in the vehicle.
- (C) Has been instructed in the procedures to be followed in emergencies; and
- (D) Is authorized to move the vehicle and has the means and ability to do so.
- (d) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.
- (2) Parking. A motor vehicle which contains a placardable amount of radioactive material must not be parked:
- (a) On or within five feet of the traveled portion of a public street or highway,
- (b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or
- (c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

WSR 85-23-026 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed November 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to distribution and cost of tariffs, WAC 480-12-285. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1924. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to amend on a permanent basis rule amended on an emergency basis on November 13, 1985, General Order No. R-246, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.290.

The specific statute these rules are intended to implement is RCW 81.80.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 27, 1985.

Dated: November 13, 1985

By: Paul Curl

Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-285 relating to distribution and cost of tariffs.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to establish annual tariff maintenance charges at a level sufficient to recover costs of issuance and distribution.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.150.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-177, Cause No. TV 1545, filed 11/13/81)

WAC 480-12-285 TARIFFS, DISTRIBUTION AND COST OF. Tariffs, with description and cost thereof are as follows:

| | | Cost per tariff | | |
|---------------|----------------------------------|---------------------------|----------------------------|--|
| Tariff No. | Territory | Initial Charge | Annual Main- tenance | |
| 3-B | Spokane cartage | -((\$ 7.50)) | | |
| | | \$ 8.00 | \$ 8.00 | |
| 4-A | Special commodities (state-wide) | - ((7.50 | 17:00)) | |
| | • | 8.00 | 20.00 | |
| 5-A | General freight west of cascades | - ((10.00 | 17.00)) | |
| | Ž | 12.00 | 20.00 | |

| | | Cost per tariff | | |
|-----------------|--------------------------------------|---|----------------------------|--|
| Tariff No. | Territory | Initial Charge | Annual Main- tenance | |
| 6-A | General freight east of Cascades and | | | |
| | between east and west- | ((10:00 | 20.00)) | |
| | | 12.00 | 22.00 | |
| 7-B | Bulk petroleum products- | ((7.50 | 15.00)) | |
| | | 8.00 | 18.00 | |
| ((8 | Olympic Peninsula | 10.00 | 15.00)) | |
| 9 | General freight in King, Pierce, | | | |
| | Snohomish & Thurston counties — | ((10:00 | 17.00)) | |
| | | 12.00 | 20.00 | |
| 10 | Mileage circular ———— | ((7.50)) | | |
| | | 8.00 | 8.00 | |
| 12 | Local areas | ((7.50)) | | |
| | | 8.00 | 8.00 | |
| 13 | Bulk commodities except petroleum | ((7.50 | 15.00)) | |
| | | 8.00 | 18.00 | |
| 14 | Mobile homes (towaway) ———— | ((7.50)) | | |
| | | 8,00 | 8.00 | |
| 15 | Household goods ————— | * | | |
| | | <u>8.00</u> | 8.00 | |

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

| Month Purchased | Fee Payable |
|-----------------------------|----------------|
| January, February, March | In full |
| April, May, June | Three-quarters |
| July, August, September | One-half |
| October, November, December | One-quarter |

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One or more single pages in any tariff will be supplied at five cents

per page - minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission.

WSR 85-23-027 EMERGENCY RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-246, Cause No. TV-1924—Filed November 13, 1985]

In the matter of amending WAC 480-12-285 relating to distribution and cost of tariffs.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the amended rates must be in effect for billings rendered for 1986 annual tariff maintenance fees. Billings are submitted for 1986 maintenance before rules could be made effective in the ordinary course of business.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.80.290.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-12-285 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-285 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-285 as amended, will establish annual tariff maintenance charges at a level sufficient to recover costs of issuance and distribution.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480–12–285 as set forth in Appendix A, be amended, as an emergency rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 13th day of November, 1985.

Washington Utilities and Transportation Commission Sharon L. Nelson, Chairman Robert W. Bratton, Commissioner Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-177, Cause No. TV 1545, filed 11/13/81)

WAC 480-12-285 TARIFFS, DISTRIBUTION AND COST OF. Tariffs, with description and cost thereof are as follows:

| | | Cost per | tariff |
|-----------------|--------------------------------|-------------------------|----------------------------|
| Tariff No. | Territory | Initial Charge | Annual Main- tenance |
| 3- B | Spokane cartage— | ((\$ 7.50)) | |
| | | \$ 8.00 | \$ 8.00 |
| 4-A | Special commodities (stat | | 17.00)) |
| | ~~ ~~ | * * * | 20.00 |
| 5-A | General freight west | | 20.00 |
| | cascades ——— | — ((10.00 | 17:00)) |
| | | 12.00 | 20.00 |
| 6-A | General freight east of Cascad | les | |
| | and between east and west | ((10.00 | 20.00)) |
| | | 12.00 | 22.00 |
| 7-B | Bulk petroleum products— | | |
| | | 8.00 | 18.00 |
| ((8 | Olympic Peninsula | $= 1\overline{0.00}$ | 15.00)) |

| | | Cost per | tariff |
|---------------|--|------------------------|----------------------------|
| Tariff No. | Territory | Initial Charge | Annual Main- tenance |
| 9 | General freight in King, Pier Snohomish & Thurston co | un- | |
| | ties — | — ((10.06 | 9 17.00)) |
| | | 12.00 | 20.00 |
| 10 | Mileage circular——— | —((7.50)) | |
| | • | 8.00 | |
| 12 | Local areas | $((7.\overline{50}))$ | j . |
| | | `` 8. <i>00</i> | |
| 13 | Bulk commodities except pet | ro- | - |
| | leum — | | 15.00)) |
| | | ``8.00 | // |
| 14 | Mobile homes (towaway) | | |
| • | (12) | 8.Ó | |
| 15 | Household goods | $((7, \frac{50}{50}))$ | - |
| | 110abbilota Boods | 8.00 | |
| | | 0.00 | 3.00 |

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

| Month Purchased | Fee Payable |
|-----------------------------|----------------|
| January, February, March | In full |
| April, May, June | Three-quarters |
| July, August, September | One-half |
| October, November, December | One-quarter |

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One or more single pages in any tariff will be supplied at five cents per page – minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission.

WSR 85-23-028 NOTICE OF PUBLIC MEETINGS EASTERN WASHINGTON UNIVERSITY

[Memorandum—November 8, 1985]

EASTERN WASHINGTON UNIVERSITY Board of Trustees Proposed 1986 Meeting Schedule

| Thursday, January 16 | 9:00 a.m. | Pence Union Building Commuter Lounge, EWU |
|-----------------------|-----------|--|
| Thursday, February 20 | 9:00 a.m. | EWU Spokane Center |
| Thursday, March 20 | 9:00 a.m. | Pence Union Building Commuter Lounge, EWU |
| Thursday, April 17 | 9:00 a.m. | Pence Union Building Commuter Lounge, EWU |
| Thursday, May 15 | 9:00 a.m. | EWU Spokane Center 4th Floor Mall |
| Thursday, June 19 | 9:00 a.m. | Pence Union Building |
| Thursday, July 17 | 9:00 a.m. | Commuter Lounge, EWU EWU Spokane Center 4th Floor Mall |

| *Thursday, September 25 | 9:00 a.m. | Pence Union Building Commuter Lounge, EWU |
|-------------------------|-----------|--|
| Thursday, October 16 | 9:00 a.m. | EWU Spokane Center |
| Thursday, December 4 | 9:00 a.m. | Pence Union Building Commuter Lounge, EWU |

^{*}Fourth Thursday to accommodate opening of fall quarter.

WSR 85-23-029 ADOPTED RULES BOARD OF HEALTH

[Order 294—Filed November 14, 1985]

Be it resolved by the Washington State Board of Health, acting at Spokane, Washington, that it does adopt the annexed rules relating to scoliosis screening in public schools, amending chapter 248-150 WAC.

This action is taken pursuant to Notice No. WSR 85-18-018 filed with the code reviser on August 26, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.31-.134 and is intended to administratively implement that statute.

This rule is promulgated under the general rule—making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 13, 1985.

By John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-010 DECLARATION OF PURPOSE. The following rules are adopted pursuant to ((chapter 47, Laws of 1979 [chapter 28A.31 RCW])) chapter 28A.31 RCW, wherein is contained the mandate that the superintendent of public instruction shall provide for and require screening for ((idiopathic)) scoliosis of school children in the state of Washington. It is the purpose of such screening to identify those children who may have a lateral curvature of the spine ((appearing in adolescent children)).

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-020 EXAMINATIONS OF SCHOOL CHILDREN FOR SCOLIOSIS—DEFINITIONS. (1) (("Superintendent" means the superintendent of public instruction pursuant to Article III of the state Constitution or his/her designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

- (3) "Screening" means a procedure to be performed on all pupils in grades five through eight for the purpose of detecting the possible presence of the condition known as scoliosis:
- (4) "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.
- (5))) "Proper training" means instruction and training provided by, or under the supervision of, physicians licensed pursuant to chapters 18.57 or 18.71 RCW specializing in orthopedic, physiatric, or rehabilitative medicine, or a registered nurse licensed pursuant to chapter 18.88.130 RCW who has had specialty training in scoliosis detection, and appropriate ((to)) for persons who perform the screening procedures referred to in ((section)) WAC 248-150-050.
- (2) "Pupil" means a student enrolled in the public school system in the state.
- (3) "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.
- (4) "Qualified licensed health practitioners" means physicians licensed pursuant to chapters 18.57 and 18.71 RCW, registered nurses licensed pursuant to chapter 18.88.130 RCW, and physical therapists licensed pursuant to chapter 18.74 RCW, practicing within the scope of their field as defined by the appropriate regulatory authority.
- (5) "Scoliosis" includes idiopathic scoliosis and kyphosis.
- (6) "Screening" means a procedure to be performed on all pupils in grades five through ten for the purpose of detecting the possible presence of the condition known as scoliosis, except as provided for in WAC 248-150-080.
- (7) "Superintendent" means the superintendent of public instruction pursuant to Article III of the state Constitution or his or her designee.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-030 CRITERIA FOR SELECTION OF CHILDREN FOR SCOLIOSIS SCREENING. All children in grades ((5)) five through ((8)) ten shall be screened annually except as provided for in section 5, chapter 216, Laws of 1985.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-040 QUALIFICATION OF PER-SONNEL. (1) Screening ((will)) shall be conducted by school physicians, school nurses, qualified licensed health practitioners, physical education instructors, other school personnel, or persons designated by school authorities who have received proper training in screening techniques for ((idiopathic)) scoliosis.

(2) Each school district shall designate one individual of the district's staff who ((will)) shall be responsible for

the administration of scoliosis screening. This individual's training and experience shall be appropriate to perform the following tasks:

- (a) To develop an administrative plan for conducting scoliosis screening in the district in cooperation with the appropriate school personnel in order to ((insure that)) ensure the program can be carried out efficiently with ((a)) minimum ((amount of)) disruption((: This shall)), to include arrangement of appropriate scheduling for scoliosis screenings((;));
- (b) To secure appropriate personnel to carry out the screening program((, if such assistance is necessary,)) and to ((insure that)) ensure such personnel receive proper training to conduct the necessary screening procedures((,));
- (c) To ((insure that)) ensure accurate and appropriate records are made, ((and)) to make recommendations appropriate to the needs of each child whose screening test is indicative of scoliosis, and to provide copies of these records to parents or legal guardians of the child, as provided for in section 4, chapter 216, Laws of 1985;
- (d) To disseminate information to other school personnel explaining the purpose of the program, and to acquaint them with the criteria which might denote the need for referral for scoliosis screening((7)); and
- (e) To institute a procedure to evaluate the effectiveness and accuracy of the screening program.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-050 SCREENING PROCE-DURES. The screening procedures shall be consistent with nationally accepted standards for scoliosis screening ((procedures such as those)) and published by the American Academy of Orthopedic Surgeons as contained in "Spinal screening program handbook((:))," 1st edition, 1979, to be obtained from the Scoliosis Research Society.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-060 SCREENING RESULTS—RECORDING AND REFERRAL PROCEDURES. A record of the "screening" results ((must)) shall be made of each child suspected of having scoliosis and copies of the results shall be sent to the parents or guardians of the children. The notification shall include an explanation of scoliosis, the significance of treating ((it)) scoliosis at an early stage, the services generally available from a qualified licensed health practitioner for treatment after diagnosis, and a method for the school to receive follow-up information from health care providers.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-070 DISTRIBUTION OF RULES AND PROCEDURES. The superintendent shall print and distribute to ((appropriate)) school officials ((the)) these rules ((adopted by the state board of health under the act)) and the recommended records and forms to be

used in ((making)) recording and reporting the screening results to parents and to the superintendent.

AMENDATORY SECTION (Amending Order 189, filed 10/31/79)

WAC 248-150-080 EXEMPTIONS FROM EXAMINATIONS—SCREENING WAIVERS. (1) Any pupil shall be exempt from the screening procedure upon written request of his or her parent or guardian as specifically provided for in section 5, chapter 216, Laws of 1985.

(2) Screening waivers shall occur as provided by section 6, chapter 216, Laws of 1985.

WSR 85-23-030 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed November 14, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to deposit or security by interexchange telecommunications companies, WAC 480–120–057. The proposed adoption is shown below as Appendix A, Cause No. U–85–58. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed adoption on economic values, pursuant to chapter 43.21H RCW and WAC 480–08–050(17).

Comment is specifically invited on the effect, if any, on small businesses (those having fewer than 50 employees) in the detail contemplated by chapter 19.85 RCW;

that the agency will at 9:00 a.m, Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 20, 1985.

Dated: November 13, 1985

By: Paul Curl

Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-120-021 and adopting WAC 480-120-057 relating to telecommunications companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of Title 80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to define interexchange telecommunications companies, and to provide the conditions under which a telecommunications company may require a deposit or other security of an interexchange carrier which purchases service for resale to ultimate consumers.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and Title 80 RCW.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

Small Business Economic Impact Statement: The purpose of the legislation is to ensure that rules contemplated by any state government instrumentality, "... shall not place a proportionately higher burden on small business." RCW 19.85.040 of the legislation defines the parameters for comparing small versus large business, and the associated costs of compliance that should be analyzed.

The new rule proposes to require all interexchange carriers to deposit a sum of 2 1/3 times the estimated monthly bill with the local exchange company or to have a secured line of credit for a period of three years. Following that three-year period the local exchange company must refund the deposit if the interexchange carrier has established at least a BBB bond rating (investment grade) with Standard and Poor's and during the three-year period made prompt and satisfactory payment for services rendered.

Since the use of a letter of credit is the least cost method of compliance, it will be discussed first. The costs for letter of credit vary anywhere between 1.5 percent to 3.0 percent. This translates to an annualized cost of .3 percent to .6 percent respectively. It is assumed that larger firms can obtain the better rates, therefore the cost differential for obtaining letters of credit between a large firm and a smaller firm that would be able to comply by use of a line of credit can be as great as 100 percent.

Many smaller firms may not be able to secure a line of credit in order to comply to the rules. The next least cost alternative for compliance would be for the business to borrow funds. The actual cost of borrowing funds is a function of the prime interest rate, currently 9.5 percent. Any firm that would not be able to secure a line of credit

from a financial institution would be paying at least 200 basis points above the prime lending rate for these funds. The net cost to the firm would be at least 11.5 percent, and the cost rate could range as high as 13.0 percent.

One hidden benefit of borrowing funds or securing a line of credit is that the firm receives a tax shield from the operating expense. Since this expense is a reduction in operating income, a business will deduct this expense before calculating its tax obligation. The effective rate of borrowing money or securing a line of credit is thereby reduced and the amount of this reduction is a function of the firm's marginal tax rate. It would be difficult to generalize between large and small firms and their profitability, but larger firms tend to have greater taxable income and logically higher marginal tax rates. A higher marginal tax rate results in a larger tax shield reducing the effective borrowing rate or annualized cost associated with lines of credit.

Regardless of whether a firm secures a line of credit or does borrow funds, the effects on capital structure must be considered. A letter of credit is treated like secured debt; both would reduce a firm's ability to borrow funds for future contingencies. Larger firms will experience less impact through presumable greater borrowing ability, but ultimately any effect is also a function of financial leverage of the firm required to comply with the proposed deposit rule.

If the firm cannot obtain a line of credit or borrow the funds necessary for compliance, then the last resort for this firm is to use equity capital. The use of equity capital requires the consideration of the equity investor's opportunity cost. This cost represents the implicit cost of any foregone alternative available for the investor's capital—at a minimum an appropriate surrogate is Pacific Northwest Bell's authorized return on equity 14.7 percent. It is arguably the most expensive source of funds for compliance, and in all probability would be the cost to the smallest firms for compliance.

Recognition must be given to the requirement that the utility which collects the deposit must pay interest on all monies collected. Since payment of interest is delayed until the deposit is refunded, the depositor is being repaid in nominal dollars while its interest expense must be paid continuously with real dollars from continuing operations. This effect, the time value of money, can be mitigated by requiring the depository to pay interest monthly as a credit to billed amounts.

Finally, recognition must be given to the fact that only large firms have the benefit of their ability to have the entire deposit refunded after three years if they have a Standard and Port's BBB bond rating and a good payment record. The argument that smaller firms are able to have their parent's BBB rating applied to them is without merit. The cash flows of a subsidiary are ultimately passed to the parent corporation, and if the parent does assume the liabilities of a subsidiary, it does so for the attendant benefits expected to be received. No small firm will be able to secure a BBB rating and therefore the cost of compliance for most firms is a perpetual operating expense however funded. According to a Standard and Poor's rating analyst specializing in ratings for the telecommunications industry, no firm would

undertake the cost of obtaining a BBB rating purely to avoid the proposed deposit rule. Large firms obtain BBB bond ratings for purposes other than compliance with the proposed deposit rule. Ultimately, the cost of compliance for a large firm at the end of a three-year continuous good payment record is zero.

Under existing deposit rules (WAC 480-120-056 (4)(i)) a telephone company can require a deposit in the amount of two-twelfths of estimated annual billings. Assuming that the existing deposit rule were exercised to the fullest extent possible, the incremental cost of this proposed rule is negligible. The following analysis assumes that present deposit rules are not invoked although this commission is aware of deposits by resellers held by a major utility ranging from \$680 to \$270,000. The source of these funds is not easily determined and therefore difficult to quantify. The exact costs to a reseller can be provided to this commission by the affected party.

For illustrative purposes the attached figures provided by Pacific Northwest Bell (Bell), have been relied upon; it is noted that Bell has assumed that any firm can obtain a letter of credit for the 1.5 percent commitment fee. This scenario is the best of all possible worlds. This alternative study has presumed that only the largest and most credit worthy sellers can possibly achieve this. For quantitative purposes, this study has taken Bell's figures and made three classifications: Small, medium, and large. The assumptions are: The largest customer is able to use a letter of credit, the customer whose deposit represents the median deposit amount is utilizing debt financing, and the smallest customer must use investorsupplied capital. The following table results from the assumptions made above, attendant cost of funds discussed in the body of this statement, and associated tax rates:

| Customer | Deposit | Cost | Annual Expense | Tax Rate | After Tax Cost | After Tax Cost(%) |
|----------|-------------|-------|-------------------|-------------|----------------------|-------------------------|
| Α | \$2,422,284 | 1.5% | \$36,334 | 46% | \$19,620 | 0.81% |
| В | 71,511 | 11.5% | 8,224 | 25% | 6,168 | 8.63% |
| С | 10.681 | 14.7% | 1.570 | 0% | 1.570 | 14 70% |

Given the assumptions concerning cost rates on deposits and marginal tax rates, it is clear that the cost for compliance between large and small firms is radically different. Whether these figures are representative can only be demonstrated by the parties affected.

APPENDIX "A"

$\frac{AMENDATORY\ SECTION}{11/7/85)}\ (Amending\ Order\ R-242,\ filed$

WAC 480-120-021 GLOSSARY. Applicant – any person, firm, partnership, corporation, municipality, cooperative organization, government agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
 - (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area – the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office – a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission - the Washington utilities and transportation commission.

Competitive telecommunications company – a telecommunications company which is classified as such by the commission pursuant to section 4, chapter 450, Laws of 1985.

Competitive telecommunications service – a service which is classified as such by the commission pursuant to section 5, chapter 450, Laws of 1985.

Customer – user not classified as a subscriber.

Exchange – a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area - the specific area served by, or purported to be served by an exchange.

Farmer line – outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station – a telephone instrument installed and in use on a farmer line.

Interexchange telecommunications company – a telecommunications company, or division thereof, that does not provide basic local service.

Outside plant - the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices

Station – a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 480-120-057 DEPOSIT OR SECURITY-INTEREX-CHANGE TELECOMMUNICATIONS COMPANIES. (1) Amount of deposit or security.

(a) Unless the criteria set forth in subparagraphs 3(a) and 3(b) below are satisfied, an interexchange telecommunications company which purchases services that are resold to its customers or incorporated in services sold to its customers shall be required to provide to the utility a deposit or security equal to two and one-third months of estimated billings. The deposit or security may be applied by the utility against any past due amount.

(b) If the interexchange telecommunications company's actual usage of service exceeds by five per cent or more the amount of usage on which the existing deposit or security is based, the utility may require additional deposits or security based on actual usage.

(c) Any new or additional deposit or security required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the interexchange telecommunications company, or, if personal service is elected, by 5:00 p.m. of the fourth business day following notification.

(2) Interest on deposit. Interest on cash deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from

December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of deposit to the time of refund or total application of the deposit and shall be compounded annually.

(3) Refund of deposit or security. Deposits and security shall be refunded upon compliance with both (a) and (b) below:

- (a) Satisfactory payment. Where the interexchange telecommunications company has for thirty-six consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:
- (i) The utility has not initiated disconnection proceedings against the interexchange telecommunications company; and
- (ii) No more than two notices of delinquency within the last twelvemonth period have been made to the interexchange telecommunications company by the utility.
- (b) Corporate debt rating. The interexchange telecommunications company or, if the interexchange telecommunications company is unable to comply with this provision, its parent or affiliated company, which parent or affiliate shall be obligated for the payment of all charges incurred by the subscribing interexchange telecommunications company, has a corporate debt rating, according to Standard and Poor's of BBB or higher, or according to Moody's of Baa or higher, with respect to any outstanding general debt obligation.

 (c) Termination of service. Upon termination of service, the utility

(c) Termination of service. Upon termination of service, the utility shall return to the interexchange telecommunications company the security or the amount then on deposit plus accrued interest, less any amounts due the utility by the interexchange telecommunications company for service rendered.

(d) Refunds – how made. Security or cash deposits, plus accrued interest, shall be refunded to the interexchange telecommunications company within fifteen days following satisfaction of (a) and (b) above.

(4) Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the interexchange telecommunications company. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

WSR 85-23-031 ADOPTED RULES INSURANCE COMMISSIONER

[Order R 85-4-Filed November 14, 1985]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards for schedule rating plans, specifically disapproving noncomplying existing filings of such plans and stating when they will no longer be effective, by adding a new section to chapter 284–24

This action is taken pursuant to Notice No. WSR 85-20-088 filed with the code reviser on October 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.19.030 and 48.19.120.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 14, 1985.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-24-100 STANDARDS FOR SCHED-ULE RATING PLANS, NONCOMPLYING FIL-INGS INEFFECTIVE. Pursuant to RCW 48.19.120, and to effectuate the provisions of RCW 48.19.030, the commissioner finds that existing schedule rating plans permit excessive credits or debits, commonly resulting in discrimination against insureds or inadequate premiums, and, for that reason, fail to meet the requirements of chapter 48.19 RCW. Therefore, no filing of a schedule rating plan shall be effective or accepted after January 1, 1986, unless it meets the following standards:

- (1) A plan shall apply only to those classes of insurance (monoline or packaged) commonly known as commercial vehicle, commercial general casualty, commercial inland marine, and commercial property.
- (2) A plan shall provide for no more than a twenty-five percent credit (reduction) or debit (charge), excluding any expense adjustment permitted by a lawfully filed and approved expense adjustment plan.
- (3) A plan must provide for an objective analysis by the insurer of the risk and be based on specific factual information supporting the rating. Items such as the following may be considered:
- (a) Management capacity for loss control and risk improvement, including financial and operating performance.
 - (b) Condition and upkeep of premises and equipment.
 - (c) Location of risk and suitability of occupancy.
 - (d) Quality of fire and police protection.
- (e) Employee training, selection, supervision, or similar elements.
 - (f) Type of equipment.
 - (g) Safety programming.
 - (h) Construction features and maintenance.
- (i) Classification variances, including differences from average hazards.
- (4) A plan must provide that when a risk is rated below average (debited), an insured or applicant, upon timely request, will be advised by the insurer of the factors which resulted in the adverse rating so that the insured or applicant will be fairly apprised of any corrective action that might be appropriate with respect to the insurance risk.
- (5) A plan shall be administered equitably and applied fairly to every eligible risk which an insurer elects to insure. Records supporting the development of individual risk modifications shall be retained by the insurer for a minimum of three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later, and made available at all reasonable times for the commissioner's examination. Such records must include copies of all documentation used in making each particular determination, even though a credit or debit may not result.

WSR 85-23-032 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed November 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Effect of resources on financial need—Personal property exemptions—Ceiling values—AFDC and RA, amending WAC 388-28-435.

It is the intention of the secretary to adopt these rules on an emergency basis on or about November 15, 1985;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1985 [1986].

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

Dated: November 13, 1985 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

Re: WAC 388-28-435(7).

Reason These Rules are Necessary: WAC 388-28-435(7); to implement the White v. Rahm court order.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: WAC 388-28-435(7) adds compensatory awards are to be treated as a resource.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mac Trepanier, Division of Income Assistance, mailstop OB-31J, phone 753-3177.

The amendment in WAC 388-28-435(7) is a result of a court order, Order in *White v. Rahm*, Case No. C85-007T (W.D. Wash., Apr. 29, 1985).

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-435 EFFECT OF RESOURCES ON FINAN-CIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEIL-ING VALUES—AFDC AND RA. (1) Household furnishings and personal clothing essential for daily living are exempt resources without ceiling value. Such items in storage shall be presumed to be not essential for daily living, but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(2) The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, and excess value of vehicles, value of nonexempt property, and any other resources not specifically exempted shall not exceed one thousand dollars regardless of family size. Possession of resources in excess of the maximum shall render the household ineligible.

(3) Term or burial insurance up to a maximum equity value of one thousand five hundred dollars per family member for the use of the applicant or applicants or recipient or recipients is exempt.

- (4) One cemetery plot for each member of the assistance household is exempt personal property. Any additional plots shall be considered as a resource with other resources up to the ceiling maximum of one thousand dollars.
- (5) One used and useful vehicle with an equity value of one thousand five hundred dollars or less is an exempt resource.
- (6) Excess equity value of a used and useful vehicle and the equity value of other vehicles shall apply toward the limit in subsection (2) of this section.
- (7) An income tax refund or a compensatory award is a resource in the month received and considered with the resources in subsection (2) of this section.
- (a) "Income tax refund" is defined as that portion of a payment received from the U.S. Internal Revenue Service (IRS) representing a refund of taxes previously paid. The Earned Income Tax Credit portion of an IRS payment is excluded from this definition.
- (b) A "compensatory award" is defined as a one-time settlement or benefit received as a result of a personal injury or wrongful death or from victims of crime compensation or labor and industries, other than time-loss compensation.

WSR 85-23-033 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2306—Filed November 15, 1985]

- I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Effect of resources on financial need—Personal property exemptions—Ceiling values—AFDC-RA, amending WAC 388-28-435.
- I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement a court order in the case of White v. Rahm (Case No. C-85-007T).

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules. APPROVED AND ADOPTED November 15, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-435 EFFECT OF RESOURCES ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES—AFDC AND RA. (1) Household furnishings and personal clothing essential for daily living are exempt resources without ceiling value. Such items in storage shall be presumed to be not essential for daily living, but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

- (2) The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, and excess value of vehicles, value of nonexempt property, and any other resources not specifically exempted shall not exceed one thousand dollars regardless of family size. Possession of resources in excess of the maximum shall render the household ineligible.
- (3) Term or burial insurance up to a maximum equity value of one thousand five hundred dollars per family member for the use of the applicant or applicants or recipient or recipients is exempt.
- (4) One cemetery plot for each member of the assistance household is exempt personal property. Any additional plots shall be considered as a resource with other resources up to the ceiling maximum of one thousand dollars
- (5) One used and useful vehicle with an equity value of one thousand five hundred dollars or less is an exempt resource.
- (6) Excess equity value of a used and useful vehicle and the equity value of other vehicles shall apply toward the limit in subsection (2) of this section.
- (7) An income tax refund or a compensatory award is a resource in the month received and considered with the resources in subsection (2) of this section.
- (a) "Income tax refund" is defined as that portion of a payment received from the U.S. Internal Revenue Service (IRS) representing a refund of taxes previously paid. The Earned Income Tax Credit portion of an IRS payment is excluded from this definition.
- (b) A "compensatory award" is defined as a one-time settlement or benefit received as a result of a personal injury or wrongful death or from victims of crime compensation or labor and industries, other than time-loss compensation.

WSR 85-23-034 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2307—Filed November 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Hospital inpatient services, amending WAC 388-87-070.

This action is taken pursuant to Notice No. WSR 85-20-097 filed with the code reviser on October 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule—making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 13, 1985.

By David A. Hogan, Director Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2266, filed 8/15/85)

WAC 388-87-070 PAYMENT—HOSPITAL IN-PATIENT SERVICES. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.
- (2) Except for excluded services, payment for hospital inpatient services is determined according to a diagnosis related group based pricing system. Payment amounts are based upon historical average costs per discharge, adjusted for case mix and indexed to the payment period. Payment for cases meeting the criteria of cost outlier is at eighty percent of the rates determined according to the method in subsection (4)(a) of this section.
- (3) Certain services are excluded from the diagnosis related group based pricing system. These exclusions include:
- (a) Rehabilitation, pain treatment, psychiatric, alcoholism treatment and detoxification, and long term hospital level care services.
- (b) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program.
 - (c) Services at children's hospitals.

- (4) Payment for excluded services is determined as follows:
- (a) Reimbursable cost of excluded services in subsection (3) (a) and (b) of this section is determined by multiplying charges in allowable revenue codes by the ratio of hospital commission approved operating expenses to total rate setting revenue.
- (b) Payment rates for children's hospitals are determined by computing the ratio of indexed historical hospital commission approved operating expenses to total rate setting revenue. This ratio is multiplied times allowable charges.
- (5) For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state—wide average per diem rate for skilled nursing facilities.
- (6) For ((the period)) dates of admission beginning ((July)) October 1, 1985, payment rates established in accordance with subsections (2), (4) and (5) of this section are reduced for services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of general assistance—unemployable. Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.

| | Percent Medicare, | |
|----------|--|-----------------------|
| | Medicaid, Bad Debt, | |
| | Charity and other | Percentage |
| Hospital | Contractual((s)) Adjustments | Reduction in |
| | of Total Rate Setting Revenue | Payment Rate |
| 1 | ((62.44)) <u>60.00</u> or more* | ((2.7)) 20.0 |
| 2 | $((\frac{56.41}{} - 62.43))$ | ((12.2)) |
| | 50.00 - 59.99 | 40.0 |
| 3 | ((52.54 - 56.40)) | ((13.7)) |
| | less than 50.00 | 60.0 |
| ((4 | 44.39 = 52.53 | 19.6 |
| 5 | 44.38 or less | 24:3)) |
| | | |

*Plus psychiatric hospitals

(7) Payment rates or amounts to hospitals established by this section will be adjusted as necessary to remove the impacts of ownership changes and revaluation of assets, including recapture of depreciation as necessary, in accordance with section 2314 of Public Law 98–369 and related federal regulations, guidelines, instructions, and state plan requirements.

WSR 85-23-035 PROCLAMATION OFFICE OF THE GOVERNOR

Declaring an Emergency in Yakima County

Heavy snowstorms hit Washington on November 9, 1985 blanketing the Cascade Mountains and Yakima County, stranding numerous persons.

The severe weather conditions and heavy snows have isolated people, interfered with ground search and rescue efforts and created life—threatening conditions for people

with low provisions and inadequate shelter, thereby constituting an emergency, as defined by the Washington State Comprehensive Emergency Management Plan and the Revised Code of Washington.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, as a result of the aforementioned snow and isolation of people and under the provisions of RCW 43.06, RCW 38.08.040 and RCW 38.52.060, do hereby proclaim that a State of Emergency exists in Washington State and that the Washington State Comprehensive Emergency Management Plan be executed. The resources of the state of Washington are authorized to be employed to assist Yakima County in a concerted effort to cope with the emergency. Additionally, the Department of Emergency Management is instructed to coordinate all state assistance, including the services of the Washington National Guard, to the affected areas.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13th day of November, Nineteen Hundred and Eighty-five.

Booth Gardner

Governor Booth Gardner State of Washington

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

WSR 85-23-036 PROPOSED RULES BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed November 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Industrial Insurance Appeals intends to adopt, amend, or repeal rules concerning rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-015, 263-12-016, 263-12-017, 263-12-018, 263-12-019, 263-12-050, 263-12-056, 263-12-060, 263-12-098, 263-12-125, 263-12-170, 263-12-180, 263-12-190, 263-12-007 and chapter 263-16 WAC;

that the agency will at 1:30 p.m., Wednesday, January 8, 1986, in the Auditorium, Office Building No. 2, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 51.52.020.

The specific statute these rules are intended to implement is chapters 209, 314 and 315, Laws of 1985, and chapter 51.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 2, 1986.

Dated: November 15, 1985 By: Gary B. Wiggs Chairperson

STATEMENT OF PURPOSE

The following is submitted in compliance with RCW 34.04.025 as amended by section 1, chapter 221, Laws of 1982, and RCW 34.04.045 as amended by section 2, chapter 221, Laws of 1982.

This statement accompanies a "notice of intention to adopt, amend, or repeal rules" relating to the rules of practice and procedure before the Board of Industrial Insurance Appeals now contained in chapters 263–12 and 263–16 WAC. Also enclosed in bill form are the substantive changes of the various sections of chapter 263–12 WAC, which are to be amended, and the repealer of chapter 263–16 WAC.

The statutory authority for the rules is found in Title 51 RCW, and particularly the board's general procedural rule-making authority, contained in RCW 51.52.020.

These new rules fall into three general categories: (1) To bring the board's rules in compliance with, or to implement, statutes; (2) to reduce expenses to the agency and users of the agency; and (3) to correct minor errors (housekeeping changes). Each section is summarized and discussed infra.

Although the board members are solely responsible for the proposing and drafting of the proposed rules and rule amendments, the following agency personnel are also charged with the implementation and enforcement of the rules of practice and procedure: The confidential secretary to the board members, the secretary of the board, the chief industrial appeals judge, the chief review judge, the assistant chief industrial appeals judges, and the industrial appeals judges responsible for conducting hearings. These persons are officed at the board's headquarters in Olympia, Capital Center Building, phone 753–6823, and in Seattle at the board's branch office, 83 King Street, phone 464–6550.

Other than is noted in the individual section-by-section summary which follows, the agency does not have additional comments or recommendations regarding statutory language, implementation, enforcement or fiscal matters pertaining to the rules.

The ensuing pages of this statement list by WAC section number those portions of the board's existing rules which are proposed for amendment, adoption, or repeal and a brief discussion of the purpose for the rule.

WAC 263-12-007, this proposed amendment would delete references to rules for expedited appeals in vocational rehabilitation cases, since the Vocational Rehabilitation Act, chapter 51.41 RCW, has been repealed. All sections of chapter 263-16 WAC are proposed for repeal inasmuch as they relate to vocational rehabilitation appeals arising under chapter 51.41 RCW, which has been repealed by the legislature.

WAC 263-12-015, 263-12-180 and 263-12-190, these amendments require documents filed with the board to be on 8 1/2" x 11" paper in conformity with the board's long-range goal of having all documents at the board on 8 1/2" x 11" paper. In the event of an appeal from a board order, the board is required by RCW 51.52.110 to file a certified copy of the board's official record with the clerk of the superior court. A growing number of superior and appellate courts require all documents filed with them to be on 8 1/2" x 11" paper. In addition, a single paper size will obviate the need for two types of file folders, two types of file cabinets, and so forth. Many law firms have already changed to preparation of all written materials on 8 1/2" x 11" paper.

WAC 263-12-016, 263-12-017, 263-12-018 and 263-12-019, the changes to these sections update the board's public records rules and bring them into complete compliance with chapter 42.17 RCW.

WAC 263-12-050, 263-12-060 and 263-12-170, these amendments apply to appeals from notices of assessment which were previously heard in superior court. The rules were made necessary by sections 6, 7 and 8, chapter 315, Laws of 1985, which now requires appeals from notices of assessment to be filed with the Board of Industrial Insurance Appeals.

WAC 263-12-056, this is a housekeeping change which recognizes that appeals in WISHA cases are generally filed by neutral entities rather than by individuals.

WAC 263-12-098, this new section concerns mediation conferences authorized by section 2, chapter 209, Laws of 1985. That legislation encouraged the board to develop methods and procedures designed to bring about resolution of disputes by agreement.

WAC 263-12-125, this amendment would change the method by which affidavits of prejudice may be filed. This proposal permits affidavits of prejudice to be filed against the industrial appeals judge who will hear the case but is intended to exclude affidavits from being filed against industrial appeals judges who will conduct the mediation conferences. This is felt by the board to be appropriate since the person presiding over the mediation conference will not hear the evidence subsequently presented in the contested case.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-007 APPLICATION OF CHAPTER. Unless otherwise provided in this title, the rules of practice and procedure set forth in this chapter are applicable to appeals filed under: (1) The Industrial Insurance Act, Title 51 RCW, ((except those relating to expedited appeals filed pursuant to RCW 51.41.060,)) (2) the Washington Industrial Safety and Health Act, chapter 49.17 RCW, and (3) the Crime Victims Compensation Act, chapter 7.68 RCW.

REPEALER

The following sections of the Washington Administrative Code, including all of Chapter 263-16 WAC, are repealed:

- (1) WAC 263-16-005 PURPOSE AND SCOPE.
- (2) WAC 263-16-010 APPLICABILITY OF PRACTICE AND PROCEDURE RULES IN CHAPTER 263-12 WAC.
- (3) WAC 263-16-020 APPEALS ARISING UNDER CHAPTER 63, LAWS OF 1982, RELATING TO VOCATIONAL REHABILITATION—CONTENTS OF NOTICE OF APPEAL.
- (4) WAC 263-16-030 VOCATIONAL REHABILITATION APPEALS—PROCEDURE FOR FILING—LIMITATION OF TIME.

- (5) WAC 263-16-040 ASSIGNMENT OF VOCATIONAL RE-HABILITATION APPEALS—EXPEDITED COMPLETION OF PROCEEDINGS.
- (6) WAC 263-16-050 DISPOSITION OF VOCATIONAL REHABILITATION APPEALS BY AGREEMENT.
- (7) WAC 263-16-060 EXPEDITED HEARINGS IN VOCATIONAL REHABILITATION APPEALS—NOTICE OF HEARING.
- (8) WAC 263-16-070 PROCEDURE AT HEARINGS OF VO-CATIONAL REHABILITATION APPEALS.
- (9) WAC 263–16–080 FINAL DECISION AND ORDERS IN VOCATIONAL REHABILITATION APPEALS.
- (10) WAC 263-16-090 APPEALS TO SUPERIOR COURT FROM FINAL ORDERS IN VOCATIONAL REHABILITATION APPEALS—CERTIFICATION OF RECORD.

AMENDATORY SECTION (Amending Order 15, filed 12/29/83)

WAC 263-12-015 ADMINISTRATION AND ORGANIZATION. (1) Composition of the board. The board is an independent agency of the state of Washington composed of three members appointed by the governor. One member is a representative of workers, one member is a representative of employers, and the chairperson, who must be an active member of the Washington State Bar, is the representative of the public. Whenever the orderly and expeditious disposition of the workload of the board necessitates, the governor may appoint two pro tem members in addition to the regular members, one of whom shall be a representative of workers and one of whom shall be a representative of employers. The members of the board shall devote their entire time to the duties of the board.

- (2) Location of the board. The headquarters, and principal office of the board, is located at 410 W. Fifth, Capital Center Building, in Olympia, Washington 98504.
- (3) Formal board meetings. The board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. on the first and third Tuesday of each month, and at such other times and places as the board may deem necessary, subject to 24-hour notice as required by law.
 - (4) Staff organization.
- (a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.
- (b) The board has a staff of industrial appeals judges, supervised by a chief industrial appeals judge and two assistant chief industrial appeals judge, who travel throughout the state in the performance of their duties and who have their offices in Olympia and in other areas of the state as is deemed necessary for efficient and cost effective handling of agency business.
- (c) The office of the secretary of the board is located at the head-quarters and principal office of the board.
- (5) Communications with the board. All written communications by parties pertaining to a particular case, including applications, motions, requests, or petitions for review, shall be filed with the secretary of the board at its headquarters in Olympia, Washington, except that copies of all correspondence and official communications filed with the secretary of the board pertaining to a particular case, before the entry of a proposed decision and order, must be sent to the industrial appeals judge assigned to the case for appropriate action. Correspondence respecting the scheduling of a particular case shall be sent to the industrial appeals judge assigned to that case. Copies of all such written communications shall be furnished to all other parties or their representatives of record, and the original shall show thereon compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-016 PUBLIC RECORDS—LOCATION((—OF-FICE HOURS)). (1) Public records ((shall be available for inspection and copying during the customary office hours of the board. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays)) available. All public records of the board as defined in chapter 42.17 RCW are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

(2) General information concerning the board may be obtained at its headquarters, 410 W. Fifth, Capital Center Building, Olympia, Washington 98504.

- (3) ((Upon written request, made to the board's headquarters, in Olympia, the board or its designee may authorize, and promptly make appropriate arrangements for inspection and copying of its public records.)) Public records officer. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.
- (4) Indices are available providing identifying information as to the following: (a) Final decisions and orders of the board, including concurring and dissenting opinions; (b) proposed decisions and orders of the board's industrial appeals judges; (c) industrial appeals judge's handbook; (d) in addition, any indices maintained for intra-agency use are available for public inspection and copying.
- (5) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the board and must be accomplished without excessive interference with the essential functions of the agency, and without causing damage or disorganization to said public records.
- (6) A fee shall be charged for copies of documents made with the board's equipment in an amount necessary to cover the cost to the agency of providing such service.

NEW SECTION

WAC 263-12-017 REQUEST FOR PUBLIC RECORDS. (1) In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(2) A request shall be made in writing upon a form prescribed by the board which shall be available at its headquarters. The form shall be presented to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the headquarters of the board during customary office hours. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The date of which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index; and
- (e) If the request matter is not identifiable by reference to the board's current index, and appropriate description of the record requested.
- (3) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-018 PUBLIC RECORDS—EXEMPTIONS. (1) The board shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

- (2) Pursuant to RCW 42.17.260, the board may delete identifying details when it makes available or publishes any public record in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy.
- (3) Denials of requests for public records will be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption in chapter 42.17 RCW authorizing withholding the record and a brief explanation of how the exemption applies to the record held will be included.
- (((4) Denials of requests for public records will be reviewed, upon request by the applicant, by the board pursuant to RCW 42:17.320.))

NEW SECTION

WAC 263-12-019 REVIEW OF DENIALS OF PUBLIC RE-CORDS REQUESTS. (1) Any person who objects to the denial of a

- request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.
- (2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the board. The board shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.
- (3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-050 APPEALS ARISING UNDER THE IN-DUSTRIAL INSURANCE ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Industrial Insurance Act (Title 51 RCW) the jurisdiction of the board shall be invoked by filing a written notice of appeal, which shall contain where applicable:

- (1) The name and address of the appealing party and ((his or her)) of the party's representative, if any;
 - (2) The name and address of the injured worker;
- (3) The name and address of the worker's employer at the time the injury or occupational disease occurred;
- (4) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;
- (5) The time when and the place where the injury occurred or the occupational disease arose;
 - (6) The nature of the injury or occupational disease;
- (7) A statement identifying the order, decision or award appealed from;
- (8) The grounds upon which the appealing party considers such order, decision or award to be unjust or unlawful;
- (9) A statement of facts in full detail in support of each ground stated:
- (10) The relief sought, including the specific nature and extent thereof;
- (11) In the case of appeals from notice of assessment arising under chapter 51.48 RCW, a statement setting forth with particularity the reason for the employer's appeal and the amounts, if any, that the employer admits are due;
- (12) The place, most convenient to the appealing party and ((his or her)) said party's witnesses, where board proceedings are requested to be held;
- (((12))) (13) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge or information and belief the contents thereof are true. A notice of appeal may be signed by the appealing party or by ((his or her)) the party's representative.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-056 APPEALS ARISING UNDER THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW), the notice of appeal when filed with the board shall be in writing and shall contain where applicable:

- (1) The name and address of the appealing party and ((his or her)) of the party's representative, if any,
- (2) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;
- (3) The grounds upon which the appealing party considers such citation, penalty assessment, or abatement date to be incorrect or improper:
- (4) A notice of appeal may be signed by the party or by ((his or her)) the party's representative.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-060 FILING APPEALS—PROCEDURES—LIMITATION OF TIME. (1) In cases arising under the Industrial

Insurance Act, other than appeals from notice of assessment filed pursuant to chapter 51.48 RCW, or the Crime Victims Compensation Act the notice of appeal shall be filed within sixty days from the date the copy of the order, decision or award of the department was communicated to the appealing party. The original and one copy of the notice of appeal shall be filed, by mail or otherwise, with the secretary of the board at its headquarters, and one copy shall be filed, by mail or otherwise, with the director of the department of labor and industries.

(2) Appeals from notice of assessment arising under chapter 51.48 RCW shall be filed within thirty days from the date the notice of assessment was served upon the employer. The original and one copy of the notice of appeal shall be filed, by mail or delivered in person, to the secretary of the board of industrial insurance appeals at its headquarters and to the director of the department of labor and industries.

(3) As required by the provisions of RCW 49.17.140(3), an appeal from a citation, abatement period or penalty assessment under the Washington Industrial Safety and Health Act is initiated by giving the director of the department of labor and industries notice of intent to appeal within fifteen working days from the date of notification of such citation, abatement period or penalty assessment. If the director does not reassume jurisdiction over the matter as to which notice of intent to appeal is given, there shall be promptly transmitted the notice of intent to appeal together with the department's record in the matter to the secretary of the board, whereupon the matter shall be deemed an appeal before the board. If the director reassumes jurisdiction pursuant to a notice of intent to appeal, there shall be, within fifteen working days of such reassumption, a further determinative order issued in the matter. Any appeal from such further determinative order must be made directly to the board by filing a written notice of appeal, by mail or otherwise, with the secretary of the board, with a copy filed, by mail or otherwise, with the director of the department, within fifteen working days from the date of notification of such further determinative order.

(((3))) (4) The secretary of the board shall forthwith acknowledge receipt of any appeal filed with the board and the board's stamp placed thereon shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed.

NEW SECTION

WAC 263-12-098 MEDIATION CONFERENCE. (1) Summary disposition. Except as otherwise provided in this section, a motion for summary disposition shall comply with rule 56 of the superior court civil rules.

A party may move for summary disposition only at a mediation conference scheduled for purposes outlined in RCW 51.52.095(2). Unless a shorter time is authorized, the motion shall be served at least ten days before any scheduled conference.

A party may submit an affidavit upon information and belief if it is based upon a written report of a medical or vocational expert. The affidavit shall include: (a) A copy of the report, (b) the qualifications of the witness, (c) a statement that, if called, the witness will testify in conformity with the report.

Upon receiving all relevant information and any oral argument the matter shall be referred to the chief review judge for disposition. An order denying the motion for summary disposition shall not be reviewable. An order granting summary disposition, in total or in part, may be petitioned to the board pursuant to WAC 263-12-145.

(2) Settlement offer; costs. A party who makes a reasonable offer of settlement at the mediation conference and thereafter prevails before the board to the same or greater extent may, upon motion and in the sole discretion of the board, be entitled to reasonable costs, which may include attorney's fees. Costs will not ordinarily be assessed in cases in which evidence is offered at hearing to prove permanent total disability. A written offer of settlement should be submitted to all parties at least seven days prior to the last mediation conference. The industrial appeals judge shall recite the settlement offer on the record. This portion of the record shall be sealed until a timely request for costs is filed.

A motion for costs and supporting affidavits must be filed, in person or by mail, within twenty days of the issuance of the board's final order, and served upon the parties pursuant to the superior court civil rules. The nonmoving parties shall be afforded a minimum of ten days after filing to submit comment and information pertinent to the motion. After review of the motion, affidavits and other information, the board in its sole discretion shall enter an order assessing costs, if any.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-125 APPLICABILITY OF COURT RULES. Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding procedures in civil cases in the superior courts of this state shall be followed: PROVIDED, That affidavits of prejudice against an industrial appeals judge in the manner set forth in RCW 4.12.050 must be filed with the board prior to the ((date of the first conference in the appeal)) first proceeding before the industrial appeals judge to whom the case is assigned to conduct hearings.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-170 APPEALS TO SUPERIOR COURT—CERTIFICATION OF RECORD. Upon receipt of a copy of notice of appeal to superior court from a board order, served upon the board by the appealing party pursuant to RCW 51.52.110, 7.68.110, 51.48.131, or 49.17.150, the secretary shall certify the record made before the board to the court pursuant to the provisions of RCW 51.52.110, 7.68.110, 51.48.131, 34.04.130 or 49.17.150. Copies of such record (except the exhibits) shall be furnished to all parties to the proceedings before the board.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-180 PETITIONS FOR DECLARATORY RUL-ING. (1) Right to petition for declaratory ruling. As prescribed by RCW 34.04.080, any interested party may petition the board for a declaratory ruling.

(2) Form of petition. The form of the petition for a declaratory ruling shall generally adhere to the following:

(a) At the top of the page shall appear the wording "Before the board of industrial insurance appeals, state of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling."

Opposite the foregoing caption shall appear the word "petition."

- (b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed in these rules.
- (c) The original and two legible copies shall be filed with the board. Petitions shall be on white paper, ((either)) $8\ 1/2" \ x \ 11"$ ((or $8\ 1/2" \ x \ 13"$)) in size.
- (3) Consideration of petition. The entire board shall consider the petition, and within a reasonable time shall:
 - (a) Issue a nonbinding declaratory ruling; or
 - (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for a hearing or for submission of written evidence on the matter, and give reasonable notification to the person of the time and place for such hearing or submission, and of the issues involved.
- (4) Disposition of petition. If a hearing is held or evidence is submitted, the board shall, within a reasonable time:
 - (a) Issue a binding declaratory ruling; or
 - (b) Issue a nonbinding declaratory ruling; or
 - (c) Notify the person that no declaratory ruling is to be issued.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-190 PETITIONS FOR RULE MAKING. (1) Right to petition for rule making. Any interested person may petition the board for the promulgation, amendment, or repeal of any rule.

(2) Form of petition. The form of the petition for promulgation, amendment, or repeal of any rule shall generally adhere to the following:

At the top of the page shall appear the wording, "Before the board of Industrial Insurance Appeals, State of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning

party and whether the petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, ((either)) 8 1/2" x 11" ((or 8 1/2" x 13")) in size.

(3) Consideration of petitions. All petitions shall be considered by the entire board, and the board may, in its discretion, order an informal hearing or meeting for the further consideration and discussion of the requested promulgation, amendment or repeal of any rule.

(4) Notification of disposition of petition. The board shall notify the petitioning person within a reasonable time of the disposition, if any, of the petition.

WSR 85-23-037 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—November 13, 1985]

The special meeting of the board of trustees of Seattle Community College District scheduled for 6:00 p.m., Tuesday, November 19, 1985, at Seattle Central Community College, has been canceled.

WSR 85-23-038 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 85-184-Filed November 15, 1985]

- I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.
- I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is openings in Areas 7B, 8, 8A, 12 and 12B provide opportunity to harvest non-Indian share of chum. All other marine and freshwater areas are closed to prevent overharvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-621 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective November 17, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 7B - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM nightly, the night of November 17 through the morning of November 21, and purse seines may fish from 5:00 AM to 8:00 PM daily, November 18 through 21. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

*Area 8 - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 PM to 9:00 AM nightly, the night of November 17 through the morning of November 21, and purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, November 18 through 21. Fishery exclusion zones applicable to Area 8 commercial fisheries are described in WAC 220-47-307.

*Area 8A - Closed except gill nets using 6-inch minimum mesh may fish from 3:00 AM to 9:00 AM November 19, and purse seines using the 5-inch strip may fish from 9:00 AM to 3:00 PM November 19. That portion of Port Susan north of a line projected true west from Kayak Point is closed. The additional Port Gardner fishery exclusion zone applicable to Area 8A commercial fisheries is described in WAC 220-47-307.

*Areas 12 and 12B excluding that portion south of a line from Hood Point to Quatsap Point – Closed except gill nets using 6-inch minimum mesh may fish from 4:00 AM to 8:00 AM November 19, and purse seines using the 5-inch strip may fish from 8:00 AM to 12:00 noon, November 19. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.

*Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 17, 1985.

WAC 220-47-620 PUGET SOUND COMMER-CIAL FISHERY RESTRICTIONS (85-182)

WSR 85-23-039 PROPOSED RULES DEPARTMENT OF VETERANS AFFAIRS

[Filed November 18, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Veterans Affairs intends to adopt, amend, or repeal rules concerning the Washington veterans home and the Washington soldiers home and colony;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Department of Veterans Affairs, 11th and Washington, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 9, 1986.

The authority under which these rules are proposed is RCW 43.60A.070.

The specific statute these rules are intended to implement is RCW 72.36.030, 72.36.080, 72.36.120 and 72.36.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 8, 1986.

Dated: November 18, 1985

By: John Reynolds

Assistant Director

Administrative Services

STATEMENT OF PURPOSE

Proposed rules regarding the duly constituted body and aid and attendance account at the Washington veterans home and the Washington soldiers home and colony.

Authority: RCW 43.60A.070.

Specific Statutes this Rule is Intended to Implement: RCW 72.36.030, 72.36.080, 72.36.120 and 72.36.130.

Summary of Proposed Rules: WAC 484-20-068 Duly constituted body, proposed change to subsection (5): To allow representatives from the living units to be elected by members of that living unit or by the general membership; proposed change to subsection (7): Adding abandonment of position as a member representative to death, discharge from the home and medical disability as criteria for a vacancy on the duly constituted body. Member representatives and the superintendent shall submit names to fill any vacant position on the duly constituted body; and proposed change to subsection (9): Meetings of the duly constituted body may be called by the superintendent or by request of the majority of the body. Meetings of the duly constituted body may occur without the superintendent present. When the administration meets with the duly constituted body, the superintendent shall chair the meetings but shall have no vote.

The chairman shall ensure that all agenda items are considered. Agenda items can be submitted by the body, any home member or the administration. WAC 484-20-075 Aid and attendance account, proposed change to subsection (2): Corrects the language to read "The portion of each members income which is derived from a veterans administration aid and attendance allowance . . ."

Agency Personnel Responsible for Drafting: John Reynolds, DVA, Olympia, mailstop ED-11; Implementation: Randy Fisher, DVA, Olympia, mailstop ED-11; and Enforcement: Dale Hoagland, Washington Soldiers Home, P.O. Box 500, Orting, WA 98360, and Herbert Stumpf, Washington Veterans Home, Retsil, WA 98378.

Department of Veterans Affairs, governmental.

Not applicable.

Not applicable.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-068 DULY CONSTITUTED BODY. (1) Each home shall have a duly constituted body representative of the home members established to approve revolving fund disbursements and to communicate to the home's administration member needs and concerns.

- (2) The duly constituted body shall be composed of representatives elected annually, to serve for the succeeding calendar year. At the option of the duly constituted body, representatives may be elected to serve terms as follows: A minimum of three representatives to be elected in even-numbered years and a minimum of four representatives to be elected in odd-numbered years.
- (3) Representation of home members receiving domiciliary care, nursing care and soldiers home colony members shall make up the duly constituted body.
- (4) Representatives will be elected from living units to be designated by the superintendent.
- (5) Representatives from the living units shall be elected by members of that living unit or by the general membership.
- (6) The members from each living unit receiving the largest number of votes shall be elected to the duly constituted body.
- (7) In the event of a vacancy due to an insufficient number of members requesting to serve or the resignation, <u>abandonment</u>, medical disability (established by the medical director at the home), death or discharge from the home, <u>the member representatives and</u> the superintendent shall ((select a member representative)) submit names to fill such vacancy subject to confirmation by a majority of the elected representatives
- (8) The duly constituted body shall meet when called together on reasonable notice by the superintendent or his delegee. The presence of at least the majority of the representatives is necessary to constitute a quorum.
- (9) When the duly constituted body ((shall meet when called together on reasonable notice by the superintendent or his delegee. The presence of at least two-thirds of the representatives is necessary to constitute a quorum. The superintendent or his delegee shall chair meetings of the duly constituted body and the homes' administration but shall have no vote)) meets with the administration, the superintendent or his designee shall have no vote but shall chair these meetings. The duly constituted body may meet on its own at any time without notice to the administration. When the duly constituted body meets with the administration, the chairman shall ensure that all agenda items are considered. Agenda items may be submitted by the duly constituted body, any home member, or the administration.

(10) On the written request of a majority of the duly constituted body the superintendent shall call a meeting to be held within fourteen days of the request for such meeting and shall provide notice to each representative.

AMENDATORY SECTION (Amending Order 85-01, filed 10/1/85)

WAC 484-20-075 AID AND ATTENDANCE ACCOUNT. (1) The superintendent shall establish an aid and attendance account within the home's revolving fund. Expenditures from this account may

be made exclusively in connection with provision of direct care services to the members limited to nursing and other health related care services.

- (2) The portion of each members income ((in)) which is derived from a veterans administration aid and attendance allowance shall be deposited to the aid and attendance account within the revolving fund.
- (3) An amount, equivalent to the nursing care aid and attendance allowance payable to a veteran under Public Law 95-588, for nursing care members, shall be deposited to the aid and attendance account of the revolving fund.
- (4) An amount, equivalent to housebound rates payable under Public Law 95-588, of income of domiciliary members receiving direct care services in addition to those services provided to all domiciliary members shall be deposited to the aid and attendance account of the revolving fund.

WSR 85-23-040 ADOPTED RULES DEPARTMENT OF TRANSPORTATION

[Order 97—Filed November 18, 1985]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 468-06-030 Exempted records.

Amd WAC 468-06-040 Description of central and field organization of the Washington State Depart-

ment of Transportation.

Amd WAC 468-06-070 Requests for public records.

This action is taken pursuant to Notice No. WSR 85-18-001 filed with the code reviser on August 22, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 through 42.17.340 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 18, 1985.

By A. D. Andreas Deputy Secretary

AMENDATORY SECTION (Amending Order 62, filed 5/19/81)

WAC 468-06-030 EXEMPTED RECORDS. In accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:

- (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.
- (2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (3) Information required of any taxpayer in connection with the assessment or collection of any tax if the

disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

- (4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (5) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
- (7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
- (9) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (11) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
- (12) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
- (13) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.
- (14) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34-.070, except that the summaries of the contracts are

open to public inspection and copying as otherwise provided by this chapter.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-06-040 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION. ((The description of the central and field organization of the Washington state department of transportation, as provided for in Title 47 RCW is set forth in *chapter 468-02 WAC.)) (1) The department of transportation is a statutorily created agency of the state of Washington. The headquarters office of the department of transportation is located in the Transportation Building, Olympia, WA 98504.

(2) The department of transportation is headed by a secretary who is the executive head of the department and is appointed by the transportation commission.

- (a) Serving directly under the secretary are the deputy secretary, legislative liaison, and public affairs office. There are also assistant attorney generals assigned to the department who provide legal services in department matters.
- (b) The deputy secretary has jurisdiction over the state aid office, personnel office, and the following divisions located in Olympia: Highway; planning, research and public transportation; marine transportation; aeronautics; and management services.
- (c) The department functions are also carried out by six districts which are headed by a district administrator and report directly to the deputy secretary. The district locations are: Seattle, Wenatchee, Tumwater, Vancouver, Yakima, and Spokane. The districts have various field offices which are headed by a supervisor.
- (3) A more detailed description of the department of transportation is contained in the department organization handbook and is available from the public records officer in the headquarters building.

AMENDATORY SECTION (Amending Order 62, filed 5/19/81)

WAC 468-06-070 REQUESTS FOR PUBLIC RECORDS. Subject to the provisions of subsection (3) of this section, and in accordance with the requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures.

- (1) ((A request shall be made in writing upon a form which shall be available at the district offices of the department of transportation or from the Public Records Officer, Transportation Building, Olympia, Washington 98504, and shall be presented to the public records officer. Such request shall include the following:
 - (a) The name of the requester.
 - (b) The date and time of day the request was made.
 - (c) Public records or information requested.
- (d) Requester's signature.)) (a) A public record may ordinarily be disclosed upon an oral or written request. Requests will be referred to the public records officer or public disclosure coordinator. All requests shall contain the following information:
 - (i) The name of the requester.
 - (ii) The date the request was made.
 - (iii) Public records or information requested.
 - (iv) Requester's signature (if written request.)
- (b) The person handling the oral request shall require the requester to complete the form, Request for Public Record, S.F. 276 in the following instances:
- (i) Whenever the record requested clearly falls within the statutory exemptions of WAC 468-06-030 or when the exempt status of the record is unclear.
- (ii) Whenever an entire file is requested or all records of a general category are requested unless the number of documents involved is less than ten.
- (iii) Records pertaining to condemnation actions or other pending litigation to which the department is a party or pertaining to any controversy to which the department is party.
- (iv) When the document requested has a notation "legal work product" or "privileged attorney-client communication" or similar notice of privileged material.
- (v) Where the oral request is too complicated or too extensive and inconvenient to the department to handle the matter on an oral basis.
- (2) The department hereby adopts for use by all persons making written request for inspection and/or copying or copies of its records, the Form S.F. 276, Request for public record, as it exists or may hereafter be revised. This form is available from the public records officer and also from the districts.
- (3) The public records officer or person handling the request shall inform the member of the public making the request whether or not the requested record is available for inspection or copying at a district office or at the transportation building in Olympia, Washington.
- (4) The records requested are not to be used to compile a commercial sales list.
- (5) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the department is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the department for appropriate response.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-06-110 DENIAL OF REQUEST. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the secretary of transportation or ((his or her)) designee to review the denial in accordance with WAC 468-06-120.

WSR 85-23-041 ADOPTED RULES DEPARTMENT OF TRANSPORTATION

[Order 98-Filed November 18, 1985]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at Room 1D-9, Transportation Building, Olympia, Washington, the annexed rules relating to chapter 468-95 WAC, Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). Adoption of Revision No. 3 to the 1978 MUTCD as an amendment to chapter 468-95 WAC.

This action is taken pursuant to Notice No. WSR 85-18-062 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.36.030, traffic control devices, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 18, 1985.

By A. D. Andreas

Deputy Secretary

AMENDATORY SECTION (Amending Order 93, filed 12/17/84)

WAC 468-95-010 GENERAL. The Manual on Uniform Traffic Control Devices for Streets and Highways 1978 edition (MUTCD), approved by the Federal Highway Administrator as the national standard for all highways open to public travel; published by the U.S. Department of Transportation, Federal Highway Administration, was duly adopted by Administrative Order No. 51 of the Secretary of Transportation dated March 17, 1980. Revision No. 1 of the 1978 edition was duly adopted by Administrative Order No. 59 of the Secretary of Transportation dated March 16, 1981. Revision No. 2 of the 1978 edition was duly adopted by Administrative Order No. 93 of the Secretary of Transportation dated 12/17/84. Revision No. 3 of the 1978 edition was

duly adopted by Administrative Order 98 of the Secretary of Transportation dated 11/18/85. The manual includes in part many illustrations, some of which depend on color for proper interpretation. The reviser has deemed it inexpedient to convert these regulations and illustrations to the prescribed form and style of WAC and therefore excludes them from publication. Copies of the MUTCD, incorporating Revision No. 1 ((and)), Revision No. 2, and Revision No. 3 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The document is available for public inspection at the headquarters office and all district offices of the Washington state department of transportation. Further, each city, town, and county engineering office in the state will have a copy of the MUTCD with revisions in its possession.

WSR 85-23-042 EMERGENCY RULES DEPARTMENT OF LICENSING

[Order 138R-Filed November 18, 1985]

I, Theresa Anna Aragon, director of the state of Washington Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 308-124C-020 Required records. Amd WAC 308-124H-045 Recordkeeping.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is WAC 308-124C-020 was amended by administrative order number 136R and will take effect on November 14, 1985. After adopting the amendatory rule, it was discovered that the amendatory WAC 308-124C-020 does not contain the appropriate language intended by the agency and in its present form is unduly burdensome on the real estate industry. WAC 308-124H-045 as amended by administrative order number 136R may violate a federal regulation pertaining to confidentiality of student records.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 18.85.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Theresa Anna Aragon

Director

AMENDATORY SECTION (Amending Order 136R, filed 10/11/85)

WAC 308-124C-020 REQUIRED RECORDS. The minimum real estate records the real estate broker shall be required to keep are as follows:

- (1) Bank trust account records:
- (a) Duplicate receipt book or cash receipts journal recording all receipts;
- (b) Prenumbered checks with check register, cash disbursements journal or check stubs,
 - (c) Validated duplicate bank deposit slips,
- (d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;
- (e) In conjunction with (d) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor,
- (f) Reconciled bank statements and canceled checks for all trust bank accounts.
 - (2) Other records:
- (a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;
- (b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm;
- (c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: PROVIDED, That a source document is maintained at the brokers office which contains the ((information filled in the blank spaces by the tenant and resident manager)) name and address of the tenant, address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held, and any modification of the terms of the original lease document;
- (d) The original lease document may be maintained at a branch office: PROVIDED, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager.

AMENDATORY SECTION (Amending Order 136R, filed 10/11/85)

WAC 308-124H-045 RECORDKEEPING. Upon approval of a course or courses, each proprietary school, individual, association or agency shall, for a period of six years, establish and maintain for each student a complete, accurate and detailed record which shall include the student's attendance, total number of hours of instruction undertaken, and completed areas of study in real estate subjects prescribed by these regulations.

Upon request, a copy of these records shall be made available to the director or student for purposes of determining whether the student has satisfied the provisions of RCW 18.85.090 and/or 18.85.095.

Each approved school shall furnish to the real estate division the date and time of all scheduled offerings, along with a sample of the advertising and promotional materials to be used and a map giving directions to the school. On a monthly basis the school shall submit a schedule of all clock-hour offerings for the next month. In the event of a cancellation, change in place, time or date, immediate notification shall be made to the real estate division.

((Each school conducting an offering shall within the ten days following the end of the month in which they have conducted courses, submit to the real estate division, on a form prescribed by the division a listing of those individuals who were enrolled in the offering, with the grades and other information which may be required.))

It shall be the responsibility of the proprietary school, individual, association or agency to furnish each student with a grade report or transcript showing name of course, final grade, number of clock hours earned, and beginning and ending dates of each course attended.

WSR 85-23-043 ADOPTED RULES DEPARTMENT OF LICENSING (Board of Medical Examiners)

[Order PL 565-Filed November 18, 1985]

Be it resolved by the Board of Medical Examiners, acting at Olympia, Washington, that it does adopt the annexed rules relating to continuing medical education, acupuncture assistant education and the acupuncture equivalency examination, WAC 308-52-405, 308-52-406, 308-52-415, 308-52-500, 308-52-510 and 308-52-410.

This action is taken pursuant to Notice No. WSR 85-19-089 filed with the code reviser on September 18, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.080 and 18.71A.020 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 18.71.080 which directs that the Board of Medical Examiners has authority to implement the provisions of chapter 18.71 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1985.

By Barbara S. Schneidman, MD

Chairman

AMENDATORY SECTION (Amending Order PL 304, filed 5/23/79)

WAC 308-52-405 GENERAL REQUIRE-MENTS. (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years. ((All medical doctors currently licensed will be required to show evidence of one hundred fifty credit hours of continuing medical education by their license renewal date in 1979:))

- (2) In lieu of the one hundred fifty hours of continuing medical education the board will accept a current physician's recognition award of the American Medical Association, or a current certificate of continuing education from either the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists and will consider approval of other programs as they are developed. The board will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. The certification or recertification must be obtained in the three years preceding application for renewal.
- (3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis; and when circumstances justify it, the board may grant an extension of time.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 386, filed 11/18/81)

WAC 308-52-406 CME REQUIREMENTS DURING CYCLE REVISION. (1) The current three year CME cycle will be revised so that approximately one-third of the licensed physicians will report their CME in each calendar year.

- (2) During the implementation of the revised CME cycle, physicians must show evidence of continuing medical education as follows:
 - (a) Current licensees as of January 1, 1982.
- (i) Physicians whose last name initial is A through G must have obtained at least fifty hours of CME by their renewal date in 1983.
- (ii) Physicians whose last name initial is H through O must have obtained at least one hundred hours of CME by their renewal date in 1984.
- (iii) Physicians whose last name initial is P through Z must have obtained one hundred and fifty hours by their renewal date in 1985.
- (b) New licensees. Applicants who qualify for licensure after January 1, 1982 will comply with the CME requirements then in effect.
- (((3) CME category maximum. Physicians who report fifty or one hundred hours of CME shall reduce the CME category maximum in WAC 308-52-415 on a prorata basis as follows:

- (a) For fifty hours requirement a maximum of thirty category I hours and a maximum of twenty credit hours in each of the other categories will be accepted.
- (b) For one hundred hours requirement a maximum of sixty category I hours and forty credit hours in each of the other categories will be accepted.))
- (((4))) (3) After the revision is complete in 1985 all physicians will report one hundred and fifty hours every three years as required by WAC 308-52-405.

AMENDATORY SECTION (Amending Order PL 247, filed 5/17/76)

WAC 308-52-410 CATEGORIES OF CREDITABLE CONTINUING MEDICAL EDUCATION ACTIVITIES. The following are categories of creditable continuing medical education activities approved by the board. A maximum of sixty credit hours may be earned in each category, except category I in which ((minety)) one hundred fifty hours may be obtained.

- Category I Continuing medical education activities with accredited sponsorship
- Category II Continuing medical education activities with non-accredited sponsorship
- Category III Teaching medical physicians or the allied health services
- Category IV Books, papers, publications, exhibits
- Category V Nonsupervised: Self-assessment, self-instruction, specialty board examination preparation, quality of care and/or utilization review.

AMENDATORY SECTION (Amending Order PL 247, filed 5/17/76)

WAC 308-52-415 CONTINUING MEDICAL EDUCATION REQUIREMENT. (1) It is mandatory that credit hours be earned in at least three categories. The credits must be earned in the thirty-six month period preceding application for renewal of licensure.

- (2) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.
- (3)(a) Category I: Continuing medical education activities with accredited sponsorship. A maximum of ((ninety)) one hundred fifty credit hours may be earned in category I. The board has approved the standard adopted by the ((house of delegates of the american medical association)) accreditation council for continuing medical education or its designated intra-state accrediting agency, the Washington State Medical Association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so ((accredited)) recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.
- (b) Category II: Continuing medical education activities with nonaccredited sponsorship. A maximum of sixty credit hours may be earned by attendance at continuing medical education programs ((offered by organizations or institutions)) that are not approved in accordance with the provisions of category I.

- (c) Category III: Teaching medical physicians or the allied health services. A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.
 - (d) Category IV: Books, papers, publications, exhibits.
- (i) A maximum of sixty credit hours may be earned under category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six month period following presentation or publication.
- (ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing cannot be accepted in this or any other category for credit.

- (e) Category V: Nonsupervised.
- (i) A maximum of sixty credit hours may be earned under category V. Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.
- (ii) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.
- (iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.
- (iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.
- (v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

$\frac{AMENDATORY}{428, \text{ filed } 3/10/83)}$ (Amending Order PL

WAC 308-52-500 ACUPUNCTURE ASSIST-ANT EDUCATION. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. ((Satisfactory evidence of formal schooling or other training may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the People's Republic of China, Korea, Japan or Taiwan.)) Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the (issuing) (licensing) agency rather than from the applicant.

- Individuals ((not licensed by the listed countries)) must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:
- (1) The applicant must have completed a minimum of two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.
- (2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.
- (3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350 hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PL 301, filed 5/22/79)

WAC 308-52-510 ACUPUNCTURE EQUIVA-LENCY EXAMINATION. (a) Applicants for registration ((who have not been issued a license for certificate to practice acupuncture from the governments listed in RCW 18.71A.080, or from a country or state with equivalent standards,)) must pass an ((equivalency)) examination prescribed by the board.

- (b) The examination shall be written and practical and shall examine the applicant's knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.
- (c) Each applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

WSR 85-23-044 ADOPTED RULES DEPARTMENT OF LICENSING

[Order PL 566-Filed November 18, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

 Amd
 WAC
 308-115-050
 Definitions.

 Amd
 WAC
 308-115-140
 Curriculum.

 Amd
 WAC
 308-115-150
 Students.

 Amd
 WAC
 308-115-190
 School survey visits.

This action is taken pursuant to Notice No. WSR 85-20-124 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.50.135 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 8, 1985.

By Ruth A. Jacobson Coordinator for Midwifery

AMENDATORY SECTION (Amending Order PL 406, filed 9/21/82)

WAC 308-115-050 DEFINITIONS. (1) Preceptor. A preceptor is ((an)) a licensed or legally practicing obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

- (2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in nonbirth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.
- (3) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.
- (4) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.
- (5) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn written documentation that verifies that the experience and its documentation is equivalent to that required of regularly enrolled midwifery students.

- (6) Health care provider as used in ((these rules)) RCW 18.50.108 means any licensed physician who is engaged in active clinical obstetrical practice.
- (7) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program.

AMENDATORY SECTION (Amending Order PL 406, filed 9/21/82)

WAC 308-115-140 CURRICULUM. (1) The basic education shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years $((\frac{1}{2}, \frac{1}{2}))$. $((\frac{1}{2}, \frac{1}{2}))$ Each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods ((while enrolled in the school from which the student graduates)). The care of up to thirty five women in each of the periods may be undertaken as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

- (2) Each school must ensure that the students receive instructions in the following instruction area:
- (a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.
- (b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.
- (c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartal and early postpartum periods, in compliance with RCW 18.50.040.

- (3) Provision shall be made for systematic, periodic evaluation of the curriculum.
- (4) Any proposed major curriculum revision shall be presented to the director at least three months prior to implementation.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 406, filed 9/21/82)

WAC 308-115-150 STUDENTS. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

- (2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.
- (3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled. The school may grant credit for the care of up to thirty five women in each of the periods undertaken as a part of previous midwifery education. No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous midwifery education. No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.
- (4) Individuals may request advanced placement on the basis of their previous practical midwifery experience as specified in RCW 18.50.040(2) and WAC 308-115-050(5) but in no case shall a school grant credit for more than thirty-five of the fifty required managed births. At least fifteen of the managed births must be undertaken while enrolled in the school granting advanced placement.
- (((4))) (5) Each school shall maintain a comprehensive system of student records.

AMENDATORY SECTION (Amending Order PL 406, filed 9/21/82)

WAC 308-115-190 SCHOOL SURVEY VISITS. The director's designee shall make survey visits to midwifery educational programs:

- (1) At least annually during the first three years of operation, and
- (2) At least every two years after the new school's first three years of operation or more often at the discretion of the director.
- (3) The cost of a survey visit to a midwifery educational program outside the state of Washington shall be borne by the program requesting accreditation.

WSR 85-23-045 ADOPTED RULES DEPARTMENT OF LICENSING (Board of Registration for Landscape Architects)

[Order PL 567—Filed November 18, 1985]

Be it resolved by the Board of Registration for Landscape Architects, acting at Kenmore, Washington, that it does adopt the annexed rules relating to:

Amd WAC 308-13-032 Licensing examination.

Rep WAC 308-13-035 Qualifications for reexaminations.

This action is taken pursuant to Notice No. WSR 85-20-122 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.96.060 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 14, 1985.

By Sydney W. Beckett

Executive Secretary

AMENDATORY SECTION (Amending Order PL 511, filed 1/31/85)

WAC 308-13-032 LICENSING EXAMINATION. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090 ((Ŧ)) the board adopts the Uniform National Examination, "UNE", prepared by the Council of Landscape Architectural Registration Boards (CLARB) as its examination, to test the applicant's qualifications and minimum competency for registration.

The board shall periodically, and in no event not less than once every year, review the passing grade score established by CLARB to ensure that such score conforms with the provisions of RCW 18.96.090. The board may convert raw scores received from CLARB to conform to the passing grade percentage established in RCW 18.96.090.

- (1) Procedure for admittance to the "UNE":
- (a) Upon completion of the qualifications for admittance to the "UNE" under WAC 308-13-020, submit the completed application provided by the board, including fees. The complete application, including fees, must be postmarked by March 15th or earlier to be considered for the next scheduled examination.
- (b) No application fee will be refunded because of withdrawal from the examination.
- (c) Examination fees are refundable when notice of withdrawal is given prior to the examination application deadline, March 15th.
 - (d) A completed application includes:

- (i) Green application form LA 656-3 with notarization;
 - (ii) Three landscape architect references;
 - (iii) Two references from related design professionals;
- (iv) Transcript of academic experience showing courses taken and degree awarded;
 - (v) Verification of work experience;
 - (vi) Application and examination fees.
- (e) Notice of acceptance, along with preexamination information, will be mailed to accepted applicants approximately six weeks in advance of the examination, accompanied by specific details regarding the time and place of the examination.

The written examination, the "UNE", is administered over a two-day period in June each year. The examinees are tested on their ability to exercise value judgments in actual landscape architecture situations.

- (2) Examination scoring:
- (a) The written parts of the examination are machine scored. The graphic parts of the examination are graded in a manner prescribed by the landscape architect board members.
- (b) To pass the examination, an applicant must achieve a passing score on each section. The minimum passing score is seventy in any subject, when an average score of all sections is seventy—five percent of a possible one hundred percent.
- (c) Applicants are notified of their grades by mail. No grades are given by telephone.
- (d) Reexamination information is given on the examination grade sheet. NO OTHER NOTICE MAY BE GIVEN. See WAC 308-13-025 for reexamination information.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-13-035 QUALIFICATIONS FOR REEXAMINATION.

WSR 85-23-046 EMERGENCY RULES DEPARTMENT OF LICENSING (Board of Funeral Directors and Embalmers)

[Order PL 568—Filed November 18, 1985]

Be it resolved by the Washington State Board of Funeral Directors and Embalmers, acting at Olympia, Washington, that it does adopt the annexed rules relating to registration fee for endorsement for crematory operations, adding new section WAC 308-48-790.

We, the Washington State Board of Funeral Directors and Embalmers, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public

interest. A statement of the facts constituting the emergency is a rule is necessary so that a fee may be printed on the application for a crematory endorsement, and so that a fee may be collected.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 18.39.175(4), as amended by section 6, chapter 402, Laws of 1985, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Ian D. Morrison Chairman

NEW SECTION

WAC 308-48-790 REGISTRATION FEE FOR ENDORSEMENT FOR CREMATORY OPERATIONS. The registration fee and the annual renewal fee for an endorsement for crematory operations is twenty-five dollars.

WSR 85-23-047 PROPOSED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed November 18, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning predismissal process, new WAC 356-34-035;

that the agency will at 10:00 a.m., Thursday, December 12, 1985, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-21-111 filed with the code reviser's office on October 23, 1985.

Dated: November 15, 1985

By: Leonard Nord Secretary

WSR 85-23-048 ADOPTED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 238—Filed November 18, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd WAC 356-15-050 Holiday compensation.

Amd WAC 356-26-060 Certification—General methods.

This action is taken pursuant to Notice No. WSR 85–20–103 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 14, 1985.

By Leonard Nord

Secretary

AMENDATORY SECTION (Amending Order 121, filed 6/12/78)

WAC 356-15-050 HOLIDAY COMPENSATION. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition:

- (a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at a time-and-one-half rate.
- (b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed time-and-one-half, when their appointing authority deems it appropriate.
- (2) Compensation for hours actually worked shall be in ((either)) cash ((or)), compensatory time, or exchange time as indicated in WAC 356-15-030(4) and (5).
- (3) Part-time employees shall be compensated for holidays in accordance with WAC 356-18-030(5).

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-26-060 CERTIFICATION—GEN-ERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify

- to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:
- (1) ((When there are names to be certified from the agency reduction in force register and/or the servicewide reduction in force register and when the number of names is less than equal to four more names than there are vacancies to be filled; the director of personnel shall initially certify only the reduction in force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested:)) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register, the service-wide reductionin-force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:
- (a) The criteria were approved when the position was established, reallocated, or last filled; or
- (b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or
- (c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.
- (d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.
- (2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.
- (3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.
- (4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.
- (5) The director of personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the director

of personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, state law against discrimination, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than five names available to fill the position:

Messenger clerk Receptionist Clerk 1 Clerk 2 Clerk-Steno 1 visually handicapped Clerk-Steno 2 visually handicapped Clerk-Typist 1 Clerk-Typist 2 Dictating machine transcriber Word processing operator 1 Word processing operator 2 Clerk-Steno 1 Clerk-Steno 2 PBX operator Data entry operator 1 Data entry operator 2

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

WSR 85-23-049 ADOPTED RULES DEPARTMENT OF REVENUE

[Order PR 85-1-Filed November 18, 1985]

I, Matthew J. Coyle, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to uniform procedural rules for the conduct of contested cases before the Department of Revenue, new sections WAC 458-08-010 through 458-08-270, inclusive.

This action is taken pursuant to Notice Nos. WSR 85-16-100, 85-19-069 and 85-22-005 filed with the code reviser on August 6, 1985, September 17, 1985, and October 25, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.01.060(2), 34.04.022 and 34.12.080.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By Matthew J. Coyle Acting Director

Chapter 458–08 WAC UNIFORM PROCEDURAL RULES FOR THE CONDUCT OF CONTESTED CASES

Application and scope of chapter

| .50 00 010 | 458–08 WAC. |
|------------|---|
| 458-08-020 | Definitions. |
| 458-08-030 | Appearance and practice before agency—Who may appear. |
| 458-08-040 | Appearance and practice before agency—Standards of ethical conduct. |
| 458-08-050 | Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. |
| 458-08-060 | Appearance and practice before agen- cy—Former employee as expert witness. |
| 458-08-070 | Pleadings. |
| 458-08-080 | Discovery in contested cases—Scope. |
| 458-08-090 | Depositions and interrogatories in contested cases—Right to take. |
| 458-08-100 | Depositions and interrogatories in contested cases—Officer before whom taken. |
| 458-08-110 | Depositions and interrogatories in contested cases—Authorization. |
| 458-08-120 | Depositions and interrogatories in contested cases—Protection of parties and deponents. |

WAC

458-08-010

| Deposition and interrogatories in contested cases—Oral examination and cross-examination. |
|---|
| Depositions and interrogatories in contested cases—Recordation. |
| Depositions and interrogatories in contested cases—Signing attestation and return. |
| Depositions and interrogatories in contested cases—Use and effect. |
| Depositions and interrogatories in contested cases—Fees of officers and deponents. |
| Depositions upon interrogatories— Submission of interrogatories. |
| Depositions upon interrogatories— Interrogation. |
| Depositions upon interrogatories— Attestation and return. |
| Depositions upon interrogatories— Provisions of deposition rule. |
| Interrogatories to parties. |
| Requests for admission. |
| Subpoenas. |
| Settlement. |
| Decision procedure. |
| Review procedures. |
| |

NEW SECTION

WAC 458-08-010 APPLICATION AND SCOPE OF CHAPTER 458-08 WAC. (1) Rules adopted by the Office of Administrative Hearings, chapter 10-08 WAC, apply to all stages of the conduct of a contested case hearing from issuance of the notice of hearing through issuance of a proposed decision, an initial decision, or the agency's final decision if no proposed or initial decision is required or issued. Such rules supersede or are in lieu of rules that have been or may be adopted by an agency for the conduct of contested cases, provided that an agency may adopt rules which prescribe:

- (a) Form and content of pleadings, procedures for settlement or disposition of contested cases without hearing, and procedures for obtaining review by the agency of proposed and initial decisions and reconsideration of final decisions;
- (b) Qualifications of persons appearing before the agency in a representative capacity; and
 - (c) Procedures for discovery.
- (2) These rules are adopted by the department of revenue to provide procedures, as permitted by statute and chapter 10-08 WAC, for contested case hearings, and shall apply to hearings which the department of revenue is by statute or Constitution required to conduct.

NEW SECTION

WAC 458-08-020 DEFINITIONS. Unless the context shall otherwise provide:

- (1) "Department" means the Washington state department of revenue.
 - (2) "Party" includes the department.

- (3) "Presiding officer" means a department official(s), administrative law judge, hearing examiner, hearing officer, or other person authorized by law or appointed to preside over a contested case hearing.
- (4) "Proceeding" means a hearing or other occasion for action, decision, or ruling, or where the same are considered by the parties or their representatives, which constitutes a part of the contested case hearing.

NEW SECTION

WAC 458-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR. No person may appear in a representative capacity before the agency or its presiding officer other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by state law.
- (3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

NEW SECTION

WAC 458-08-040 APPEARANCE AND PRACTICE BEFORE AGENCY—STANDARDS OF ETHICAL CONDUCT. All persons appearing in a proceeding before the department in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the agency involved may decline to permit such person to appear in a representative capacity in any proceeding before the agency.

NEW SECTION

WAC 458-08-050 APPEARANCE AND PRACTICE BEFORE AGENCY—APPEARANCE BY FORMER EMPLOYEE OF AGENCY OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No former employee of the department or member of the attorney general's staff may at any time after severing employment with the department or the attorney general appear in a representative capacity on behalf of other parties in a formal proceeding wherein such person previously took an active part as a representative of the department, as provided by RCW 42.18.220.

NEW SECTION

WAC 458-08-060 APPEARANCE AND PRACTICE BEFORE AGENCY—FORMER EMPLOYEE AS EXPERT WITNESS. No former employee of the department shall at any time after severing his employment with the state of Washington appear, except with

the written permission of the agency, as an expert witness on behalf of other parties in a formal proceeding wherein such former employee previously took an active part in the investigation as a representative of the department.

NEW SECTION

WAC 458-08-070 PLEADINGS. (1) Pleadings enumerated. Pleadings before the department shall include notices of hearing, complaints, answers, and motions.

- (2) Verification. All pleadings except motions, notices of hearing, or complaints brought upon the department's own motion, shall be verified in the manner prescribed for verification of pleadings in the superior court of Washington.
- (3) Time for motion. Any motion directed toward a notice of hearing or complaint must be filed before an answer is due. Otherwise objections must be raised in the answer. Motions directed toward a notice of hearing or complaint must be filed within ten days after service of the notice of hearing or complaint.
- (4) Time for answer. An answer, if made, must be filed within twenty days following service of the notice of hearing or complaint; provided, however, that whenever the department believes the public interest requires expedited procedure it may shorten the time required for an answer.
- (5) Liberal construction. All pleadings shall be liberally construed with a view to effect justice between the parties and the department will at any stage of the proceeding disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of a party.
- (6) Amendments. The department may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just, provided that such amendments do not adversely affect the interest of persons not parties to the proceeding.
- (7) Disposition of motions. The department may direct all motions to be submitted for decision by the department on either written or oral argument and may permit the filing of affidavits in support or contravention thereof.
- (8) Consolidation of hearings. Two or more hearings where the facts or principles of law are related may be consolidated and heard together.
- (9) Motions. Subject to the provisions of subsection (3) of this section, the practice respecting motions including the grounds therefor and forms thereof shall conform insofar as possible with the practice relative thereto in the superior court of Washington and the practice permitted by the Administrative Procedure Act (chapter 34.04 RCW).
- (10) Forms. (a) Persons responding to notice of hearing or complaint filed by the department in filing any answer or motion thereto shall generally adhere to the following form for such purpose:

At the top of the page shall appear the wording "Before The Washington State Department of Revenue." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of (the name of the party)." Opposite the foregoing caption shall appear the word "Answer" or "Motion."

The body of the answer or motion shall be set out in numbered paragraphs which shall include the name and address of the responding or moving party.

(b) The original and one legible copy shall be filed with the department. Answers or motions shall be on white paper, eight and one-half by eleven inches in size.

NEW SECTION

WAC 458-08-080 DISCOVERY IN CONTEST-ED CASES—SCOPE. Unless otherwise limited in accordance with these rules parties may obtain discovery as permitted in these rules regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding.

NEW SECTION

WAC 458-08-090 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—RIGHT TO TAKE. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a notice of hearing or complaint. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

NEW SECTION

WAC 458-08-100 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES-OFFI-CER BEFORE WHOM TAKEN. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the department, or agreed upon by the parties by stipulation in writing filed with the department. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

NEW SECTION

WAC 458-08-110 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing of not less than five days (exclusive of the day of service, Saturdays, Sundays and legal holidays). The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is

not known, a general description sufficient to identify the person. On motion of a party upon whom the notice is served, the presiding officer may for cause shown enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

NEW SECTION

WAC 458-08-120 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES-PRO-TECTION OF PARTIES AND DEPONENTS. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the department or its presiding officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the department or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the department which may make any other order which justice requires to protect the party or witness from annovance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the department, or its presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon order. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

NEW SECTION

WAC 458-08-130 DEPOSITION AND INTER-ROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS-EXAMINATION. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

NEW SECTION

WAC 458-08-140 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—REC-ORDATION. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his or her direction and in his or her presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire, or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

NEW SECTION

WAC 458-08-150 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—SIGN-ING ATTESTATION AND RETURN. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the department holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency, or its presiding officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

NEW SECTION

WAC 458-08-160 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—USE AND EFFECT. Subject to rulings by the presiding officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the presiding officer upon his or her own motion or the motion of any party. Except by agreement of the parties or ruling

of the presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness that party's witness by taking such deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by that party or any other party.

NEW SECTION

WAC 458-08-170 DEPOSITIONS AND INTER-ROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEPONENTS. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

NEW SECTION

WAC 458-08-180 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

NEW SECTION

WAC 458-08-190 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION. Where the interrogatories are forwarded to an officer authorized to administer oaths the officer taking the same after duly swearing the deponent, shall read to the deponent seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

NEW SECTION

WAC 458-08-200 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall (1) certify under official signature and seal that the deponent was duly sworn by such officer, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither the officer nor the stenographer, to his or her knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits

with his attestation to the department, or its presiding officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

NEW SECTION

WAC 458-08-210 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

NEW SECTION

WAC 458-08-220 INTERROGATORIES TO PARTIES. (1) Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Leave to serve interrogatories must be obtained if service by a complainant is sought within twenty days after filing of a complaint.

Interrogatories shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to have his answer typed in. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within twenty days after the service of the interrogatories.

- (2) An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.
- (3) Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract, or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts, or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.
- (4) Interrogatories shall be propounded only in accordance with this rule, provided that upon failure of a

person to answer interrogatories, the party propounding the interrogatories may, unless otherwise ordered by the presiding officer, seek to compel answers thereto in accordance with WAC 458-08-090 and 458-08-240.

NEW SECTION

WAC 458-08-230 REQUESTS FOR ADMIS-SION. (1) A party may serve upon any other party a written request for admission, for purposes of the pending action only, of the truth of any matters within the scope of WAC 458-08-080 set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of the presiding officer be served upon the complaining party after a complaint is served, or is filed, whichever shall first occur, and upon any other party with or after service of the complaint upon that party.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within twenty days after service of the request, or within such shorter or longer time as the presiding officer may allow the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his or her attorney, but, unless the presiding officer shortens the time, a party shall not be required to serve answers or objections before the expiration of 40 days after service of the complaint upon him or her. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that he or she has made reasonable inquiry and that the information known or readily obtainable is insufficient to enable admission or denial. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request.

(2) Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice a party in maintaining an action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending action only and is not an admission for any other purpose nor may it be used against the admitting party in any other proceeding.

NEW SECTION

WAC 458-08-240 SUBPOENAS. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.04.105.

- (2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the department and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing or deposition.
- (3) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.
- (4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

NEW SECTION

WAC 458-08-250 SETTLEMENT. The parties to a proceeding may enter into a voluntary settlement of the subject matter contained in any notice of hearing or complaint prior or subsequent to hearing. In exploration or furtherance of a voluntary settlement, the parties may confer within or outside the presence of the presiding officer. Any such settlement conference shall be informal and without prejudice to the rights of the parties.

NEW SECTION

WAC 458-08-260 DECISION PROCEDURE. At the conclusion of a hearing the presiding officer shall announce his or her decision or what action will be recommended to the department or may take the decision under advisement. The presiding officer shall prepare a written summary of findings together with a recommendation for action by the department unless such officer is the person authorized to make final decisions on behalf of the department. In such case the presiding officer shall make a written summary of findings, conclusions and a decision with respect to action to be taken by the department.

NEW SECTION

WAC 458-08-270 REVIEW PROCEDURES. In all cases not heard by a presiding officer authorized to make final decisions on behalf of the department the file, together with the presiding officer's findings, conclusions, and recommendations shall be forwarded to the director of the department or to such other person to whom the

director has assigned responsibility for review and decision. Review and decision by the director or the director's assignee shall be in accordance with RCW 34.04.110, 34.04.115, and 34.04.120.

WSR 85-23-050 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES (Division of Building and Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the amending of chapter 296-81 WAC, Safety rules governing existing elevators, dumbwaiters, escalators and other lifting devices—Moving walks; including WAC 296-81-007 National Elevator Code adopted; 296-81-010 hoistway enclosures; and 296-81-260 photo electric or electric eye devices.

This notice proposes to adopt the American National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI/ASME A17.1–1984, to stay in conformity with the national safety standards. WAC 296–81–010 (4) and (5) are requirements for elevators without car doors or gates. Presently all elevators require car doors or gates, making these subsections obsolete. An exception is being added to WAC 296–81–260, since under fire emergency (ANSI/ASME A17.1–211.3a) the light ray is made inoperative, making this code redundant on new installations;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-81 WAC, Safety rules governing existing elevators, dumbwaiters, escalators and other lifting devices—Moving walks; including WAC 296-81-007 National Elevator Code adopted; 296-81-010 Hoistway

enclosures; and 296-81-260 Photo electric or electric eye devices.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to adopt the American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI/ASME A17.1–1984; to eliminate two subsections which are obsolete; and also to add an exception to WAC 296–81–260.

Reasons Supporting the Proposed Rule(s): The American National Safety Code is being adopted to stay in conformity with the national safety standards. WAC 296-81-010 (4) and (5) are requirements for elevators without car doors or gates. Presently all elevators require car doors or gates, making these subsections obsolete. Under fire emergency (ANSI/ASME A17.1-211.3a) the light ray is made inoperative, making WAC 296-81-260 redundant on new installations.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

AMENDATORY SECTION (Amending Order 84-21, filed 11/8/84)

WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPT-ED. (1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986. This 1981 edition of ANSI A17.1 is supplemented by the ANSI A17.1a – 1982 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after March 1, 1984 through January 9, 1986. The 1981 edition of ANSI A17.1 and the 1982 edition of ANSI

A17.1a is supplemented by the ANSI/ASME A17.1b – 1983 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after December 1, 1984, through January 9, 1986, with the exception of portable escalators that are covered by Part VIII of ANSI/ASME A17.1b – 1983.

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986. This 1984 edition to ANSI A17.1 is supplemented by the ANSI A17.1a – 1985 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986, with the exception of ANSI A17.1, part XIX.

AMENDATORY SECTION (Amending Rules 1.010-1.050, filed 9/28/64)

WAC 296-81-010 HOISTWAY ENCLOSURES. (1) Local laws and ordinances shall govern the fire-resistive requirements for the hatchway enclosures.

- (2) Where doors and hoistway enclosures are not required to be fire resistant, the hoistway shall be enclosed with material, which may be solid or with openings that do not exceed one-half inch in diameter, to a height of six feet above each floor or landing and above the treads of adjacent stairways.
- (3) Enclosures shall be so supported and braced as to deflect not over one inch when subjected to a force of one hundred pounds applied perpendicularly at any point. Adjacent to the counterweights, the enclosure must extend the full height of the floor and extend six inches past the counterweight raceway.
- (((4) The hoistway enclosures on the sides used for entrance and exit shall extend from the required landing opening to the underside of the floor above, except for elevators equipped with car gates or doors provided with ear door or gate electric contacts.
- (5) Where an elevator does not have a car door and the sill projects inward from the general line of the hoistway, the projections which are opposite the car entrance (except door operating devices, interlocks, indicator and signal devices) shall be beveled on the under side or shall be guarded with a metal plate of not less than No. 16 U.S. gauge, or three quarter inch metal covered wood. The angle of such bevels of guard plates shall be not less than sixty degrees from the horizontal and not over seventy-five degrees, and they shall be smooth and firmly and permanently fastened to the hoistway enclosure.))

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-81-260 PHOTO ELECTRIC OR ELECTRIC EYE DEVICES. An elevator equipped with a photo electric or electric eye device for reopening of the car and hoistway doors shall be provided with a means that will automatically bypass the light ray if obstruction of the light ray for approximately 20 seconds has prevented the doors from closing. The light ray shall not be reestablished until the doors have fully closed. Upon a sufficient showing of need by a hospital or a nursing home, the department may authorize an automatic bypass means that will cause the doors to close within 35 seconds after the expiration of the normal door open time. Exceptions: When smoke detectors are used to bypass photo electric or electric eye devices. In accordance with ANSI A17.1-211.3A.

WSR 85-23-051
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the repeal of chapter 296–88

WAC, safety rules for grain elevator operations. These rules are in conflict with chapter 296-24 WAC, general safety and health standards, and do not pertain to the elevator section;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-88 WAC, Safety rules for grain elevator operations; including WAC 296-88-001 through 296-88-130.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to repeal chapter 296-88 WAC, grain elevator operations.

Reasons Supporting the Proposed Repeal: These rules are in conflict with chapter 296-24 WAC, general safety and health standards, and do not pertain to the elevator section.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Repeal: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-88-001 FOREWORD. WAC 296-88-010 SCOPE AND APPLICATION. WAC 296-88-020 PURPOSE. WAC 296-88-030 WAC 296-88-040 GENERAL REQUIREMENTS ENTERING STORAGE TYPE BINS. ENTERING SILO TYPE BINS. WAC 296-88-050 WAC 296-88-060 INSPECTION OF SHOVEL EQUIPMENT. RAILROAD CAR SAFETY. WAC 296-88-070 WAC 296-88-080 MANLIFTS. WAC 296-88-090 **FUMIGATION.** INSECTICIDES AND DISINFECTANTS. WAC 296-88-100 WAC 296-88-110 STRUCTURAL REQUIREMENTS AND **SAFEGUARDS** WAC 296-88-120 REFERENCE MATERIAL. WAC 296-88-130 GLOSSARY.

WSR 85-23-052
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)
[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the amending of chapter 296–93 WAC, material lifts.

This notice proposes to amend several sections of chapter 296-93 WAC to allow national manufacturers to make installations in the state of Washington without altering their equipment and to at the same time ensure that safety will be maintained in the work place;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985

By: Richard A. Davis

Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-93 WAC, Material lifts; includes WAC 296-93-010 Scope; 296-93-050 Driving machines and equipment; 296-93-060 Hydraulic material lifts; 296-93-070 Car enclosures; 296-93-110 Car doors and gates; 296-93-120 Car operating and terminal stopping devices and electrical protective devices; 296-93-130 Stop switch; 296-93-170 Controls; 296-93-180 Pipes

and ducts; 296-93-200 Illumination of pits and landings; 296-93-210 Capacity posting and no-riders sign; 296-93-220 Electrical wiring; and 296-93-230 Guarding of exposed equipment.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to reduce the rule requirements of the original code which has been considered more astringent than necessary.

Reasons Supporting the Proposed Rule(s): The rules are being amended to allow national manufacturers to make installations in the state of Washington without altering their equipment, and to at the same time ensure that safety will be maintained in the work place.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872–6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753–7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-010 SCOPE. This chapter sets the requirements for construction, installation, and operation of material lifts. The purpose of this chapter is to allow certain conveyances that meet the definition of "elevator" in chapter 70.87 RCW, but that are designed solely to transport materials and equipment, to be constructed in accordance with standards less stringent and costly than those contained in ANSI A17.1. The standards contained in this chapter ensure, to the extent possible, that no persons will ride material lifts, and that persons working near the material lifts are free from dangers posed by the operation or failure of the material lifts.

"Material lift" means a fixed stationary conveyance that:

(1) Has a car or platform that moves in guides;

- (2) Serves two or more floors or landings of a building or structure; (3) Has a vertical rise of at least five feet and no more than sixty
- (4) Has a maximum speed of fifty feet per minute;
- (5) Is an isolated self-contained lift and is not a part of a conveying system:
- (6) Travels in an inclined or vertical, but not horizontal, direction;
- (7) Is operated only by, or under the direct supervision of an individual designated by the employer; and
- (8) Is installed in a commercial or industrial area, and not in an area that is open to access by the general public; and
 - (9) Shall comply with chapter 296-24 WAC.

This chapter does not cover conveyances described in ANSI B20 that do not have a car or platform but instead are provided with rollers, belts, tracks, power conveyors, or similar carrying surfaces or means of loading.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-050 DRIVING MACHINES AND EQUIP-MENT. A material hoist shall use a winding drum, traction, direct plunger, hydraulic, roped or chained hydraulic, rack and pinion, roller chain drive, scissors, or screw-type driving machine.

- (1) Driving machines located overhead shall be secured to and supported on or from the top of overhead beams or floor. Suspension of a driving machine by hooks, cables, chains, or similar devices is prohibited.
- (2) The diameter of drive sheaves for traction machines may not be less than thirty times the diameter of the hoisting cables. The diameter of all other sheaves of a traction machine may be not less than twenty-one times the diameter of the hoisting cables.
- (((3) The driving machine and hoisting equipment for each material lift shall be inside enclosures and accessible for maintenance. A safe means of access shall be provided to each material lift's driving machine and equipment.))

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-070 CAR ENCLOSURES. A material lift car that serves more than one landing shall be enclosed with solid panels or openwork that will reject a two-inch ball. The enclosure must extend to a height of at least ((six feet)) forty-eight inches from the floor on each side on which there is no hoistway door or gate, except that on the side of the car that is next to the counterweight runway, the enclosure shall extend to the car top or underside of car crosshead and shall extend six inches on each side of the counterweight runway.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-120 CAR OPERATING AND TERMINAL STOPPING DEVICES AND ELECTRICAL PROTECTIVE DEVICES. (1) All devices that operate by electricity shall be enclosed.

- (2) ((Phase reversal and failure protection. A material lift, other than a hydro-electric material lift, that is powered by polyphase alternating current must have a means to prevent the starting of the material lift motor if the phase rotation is in the wrong direction, or any phase fails.
- (3))) A material lift that is driven by a winding drum machine shall have a slack rope device with an enclosed electric switch, of the manually reset type, that will remove the electric power from the driving machine and brake if the hoisting ropes become slack.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-170 CONTROLS. (1) The control station shall be remotely mounted so that it is inaccessible from the material lift car.

- (2) Controls shall be clearly marked or labeled to indicate the function of control.
- (3) All control stations shall have a stop switch. When opened, the stop switch shall remove the electrical power from the driving machine and brake. The stop switch shall:
 - (a) Be manually operated;
 - (b) Have red operating handles or buttons;
 - (c) Be conspicuously and permanently marked "STOP"; and
 - (d) Indicate the stop and run position((; and
 - (e) Be arranged to be locked in the open position)).

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-200 ILLUMINATION OF ((PHTS AND)) LANDINGS. (((1) All pits shall have illumination of not less than five foot-candles at the pit floor:

(2))) All landings shall be illuminated.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-210 CAPACITY POSTING AND NO-RIDERS SIGN. (1) Each material lift shall have a capacity sign permanently and securely fastened in place in the material lift car and on the landings. The sign shall indicate the rated load of the material lift in

pounds. The sign shall be metal with black letters two inches high on yellow background.

(2) A sign stating, "NO ((PERSONS PERMITTED TO RIDE THIS DEVICE,")) RIDERS" shall be conspicuously and securely posted on the landing side of all hoistway gates and doors and in the enclosure of each material lift car. The sign shall be metal with black letters two inches high on red background.

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-220 ELECTRICAL WIRING. All electrical wiring, installations, and equipment in hoistways and machine rooms shall conform to the requirements of the 1984 edition of the National Electrical Code((; including section 620 NEC. A material lift shall be provided with a single means of disconnecting all ungrounded main power connectors for each unit. The disconnecting means shall be an enclosed, externally operable fused motor circuit switch or circuit breaker arranged to be locked in the open position. No provision may be made to close this disconnecting means from any other part of the premises. The disconnecting means shall be located inside the controllers)).

AMENDATORY SECTION (Amending Order 84-7, filed 4/27/84)

WAC 296-93-230 GUARDING OF EXPOSED EQUIPMENT. (((1)))) Guards to protect against accidental contact shall be provided for gears, sprockets, sheaves, drums, ropes, and chains in machine rooms and machinery spaces in accordance with Washington Industrial Safety and Health Act standards. See WAC 296-24-150.

(((2) The machine room door shall be self-closing, and provided with a spring lock that permits the doors to be opened from inside without a key and that does not depend on a key or other device for locking. The door must be kept closed and locked except when an attendant is on duty in the machine room.))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-93-060 HYDRAULIC MATERIAL LIFTS.

WAC 296-93-110 CAR DOORS AND GATES.

WAC 296-93-130 STOP SWITCH.

WAC 296-93-180 PIPES AND DUCTS.

WSR 85-23-053
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)
[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the amending of chapter 296-87 WAC, safety requirements for workmen's construction elevators.

This notice proposes to amend this code to define the scope, and to incorporate the national standards for workmen's construction elevators used temporarily on construction sites;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-87 WAC, Safety requirements for workmen's construction elevators; including WAC 296-87-001 Scope; 296-87-020 Guide rail brackets and building supports; 296-87-040 Hoistway doors; 296-87-060 Car operating and terminal stopping devices and electrical protective devices; 296-87-080 Ropes, rope connections, data and record; and 296-87-120 Maintenance inspection and test periods.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to add and amend several sections of chapter 296-87 WAC, safety requirements for workmen's construction elevators. The rules are being added to define the scope, and amended to incorporate the national standards for workmen's construction elevators used temporarily on construction sites.

Reasons Supporting the Proposed Rule(s): The elevator section makes inspections of these workmen's construction elevators. The present code does not meet the standards of the Washington Industrial Safety and Health Act. Adoption of the national standards will eliminate the dual standards within the Department of Labor and Industries.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872–6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753–7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

NEW SECTION

WAC 296-87-001 SCOPE. This standard applies to the design, construction; installation, operation, inspection, testing, maintenance, alterations, and repair of structures and hoists which are not a permanent part of the buildings, are installed inside or outside buildings during construction, alteration, or demolition, and are used to raise and lower workers and other persons connected with, or related to, the building project. The hoist may also be used for transportation of materials.

This standard shall not apply to the following:

- (1) Temporary elevators installed in the hoistways during the construction of buildings and incorporating a part of the permanent elevator to be installed later.
- (2) Hoists for raising and lowering materials with no provision for carrying personnel.
 - (3) Manlifts, counterbalanced or endless-belt type.
 - (4) Mine hoists.
 - (5) Wire-rope-guided and nonguided hoists.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

WAC 296-87-020 GUIDE RAIL BRACKETS AND BUILD-ING SUPPORTS. The building construction forming the supports for the guide rails and guide rail brackets shall be of such a design as to:

(1) Safely withstand the application of the car or counterweight safety when stopping the car and its rated load or the counterweight.

(2) Withstand the forces imposed by the class of loading. Where necessary the building construction shall be reinforced to provide adequate support for the guide rails.

(3) Each elevator tower shall be anchored to the building at not to exceed ((thirty)) twenty-five foot vertical intervals, or if guy wires are used, such guys shall be not less than one-half inch wire rope and terminal fastening be tagged PERSONNEL ELEVATOR—DO NOT REMOVE.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

WAC 296-87-040 HOISTWAY DOORS. (1) For hoistways or towers located inside of buildings the hoistway door shall guard the full height and width of the openings, and shall be so constructed as to withstand one hundred pounds applied at right angles to the center of the door without causing the door to break or be permanently deformed. Each hoistway door shall be equipped with an approved combination of electric contact and mechanical lock.

(2) For hoistways or towers located outside of buildings the hoistway door shall be not less than six feet six inches in height and shall protect the full width of the opening and shall be of strength and design conforming to the hoistway construction. Each hoistway door shall be equipped with an approved combination of electric contact and mechanical lock.

(3) An elevator shall not serve any landing that is not provided with a hoistway door.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

WAC 296-87-060 CAR OPERATING AND TERMINAL STOPPING DEVICES AND ELECTRICAL PROTECTIVE DEVICES. (1) The operation shall be by car switch or constant pressure push button and shall be so arranged that the elevator car can be operated from within the car only. It shall also be equipped with an emergency stop switch located within or adjacent to the car operating panel.

(2) The travel control cable shall be attached from within the hoistway and securely fastened to the car. The control cable can be of the suspended type, retractable type, or coiled in a suitable container at the base of the tower.

(3) Terminal and final limits switches shall be installed at the upper and lower landings. These may be mounted on the car or in the hoistway operated by cams attached to the car or in the hoistway.

(4) Phase reversal and failure protection. Elevators having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if,

- (a) The phase rotation is in the wrong direction, or
- (b) There is a failure of any phase.
- (5) Main Line Contactor. A contactor shall be installed in addition to the direction switches which will cut off main line current to the motor and apply the brake when any of the final terminal stopping devices operate.
- (6) A fused disconnect switch of adequate size shall be installed and connected into the power supply line to the controller and be accessible at the lower terminal landing.
- (7) Where the hoistway is exposed to the weather the electrical control equipment, fixtures and switches shall be weatherproof.
- (8) Machinery and control equipment shall be protected from the weather, falling debris and from access by unauthorized persons. Spaces containing elevator driving machine and control equipment shall be provided with adequate lighting.
- (9) All electric elevators shall be equipped with effective brakes that are released electrically and applied by springs. The brakes shall be designed to have a capacity sufficient to hold the car at rest with its rated load, and shall be mounted on the main driving shaft of the machine.
- (10) The maximum speed allowable shall be three hundred feet per minute.
- (11) Internal combustion engines shall not be permitted for direct drive.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

WAC 296-87-080 ROPES, ROPE CONNECTIONS, DATA AND RECORD. (1) Elevator cars shall be of the tractor drive type suspended by steel wire ropes or approved rack and gear. If wire ropes are used, only iron (low carbon steel) or steel wire ropes with fibre cores, having the commercial classification of "elevator wire rope," shall be used for the suspension of elevator cars and for the suspension of counterweights.

- (2) The minimum number of hoisting ropes used shall be three.
- (3) Hoisting and counterweight wire ropes may be attached to cars and counterweights by means of approved clamps and wire rope thimbles or by approved special fastening devices. Where clamps are used, the fastening shall conform to the following:
 - (a) Clamps shall not be of the U-bolt type.
- (b) Both members of the clamps shall be provided with seats conforming to the lay of the rope.
 - (c) Clamps shall be drop forgings.
- (d) The ropes to be clamped shall be passed around metal thimbles having not less than the following dimensions and fastened by at least the number of clamps specified with not less than the spacing indicated in the following table.

| Dia. of Wire Rope | Inside Width of Thimble | Length of Thimble In. | Min. No. of Clamps | Min. Spacing of Clamps |
|----------------------------|----------------------------------|--------------------------------|-----------------------------|---------------------------------|
| 1/2 | 1 1/2 | 2 3/4 | 3 | 3 |
| 5/8 | 1 3/4 | 3 1/4 | 3 | 3 3/4 |
| 3/4 | 2 | 3 3/4 | 4 | 4 1/2 |
| 7/8 | 2 1/4 | 4 1/4 | 4 | 5 1/4 |
| 1 ' | 2 1/2 | 4 1/2 | 4 | 6 |

- (4) Wire rope shall be taken out of service when any of the following conditions exist:
- (a) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;
- (b) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;
 - (c) Evidence of any heat damage from any cause;
- (d) Reductions from nominal diameter of more than three sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to one and one-eighth inches inclusive, three thirty-seconds inch for diameters one and one-fourth to one and one-half inches inclusive; and
- (e) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70, effective 10/21/70)

WAC 296-87-120 MAINTENANCE INSPECTION AND TEST PERIODS. (1) A full load overspeed safety test shall be performed before the elevator is put into operation and each time the elevator is moved to a new location a full load overspeed test and inspection shall be mandatory and approved by a state inspector.

- (2) Periodic maintenance shall be made by an experienced elevator mechanic at not more than thirty days, or thirty shifts, whichever occurs first. Once each shift the equipment shall be inspected by the operator to determine that the equipment is in a proper operating condition. The erection and dismantling of any personnel elevator shall be under the direct supervision of a person experienced in this type of work.
- (3) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than three-month intervals. Records shall be maintained and kept on file for the duration of the job.
- (4) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1981, Safety Requirements for Workmen's Hoists.

WSR 85-23-054
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the repeal of chapter 296-90 WAC, safety requirements for cantilever hoists.

Our proposed amendment to chapter 296-100 WAC, safety requirements for material hoists, will bring cantilever hoists into equal compliance with the Washington State Occupational Safety and Health Act;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-90 WAC, Safety requirements for cantilever hoists; including WAC 296-90-010 through 296-90-090.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to repeal chapter 296-90 WAC, safety requirements for cantilever hoists.

Reasons Supporting the Proposed Repeal: Our proposed amendment to chapter 296-100 WAC, safety requirements for material hoists, will bring cantilever hoists into equal compliance with the Washington State Occupational Safety and Health Act.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Repeal: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-90-010 MATERIAL HOIST PLATFORMS.
WAC 296-90-030 GUARD RAILS.
WAC 296-90-040 HOISTING MACHINES.
WAC 296-90-050 CAR PLATFORM ENCLOSURE.

WAC 296-90-060 LANDING PLATFORMS.

WAC 296–90–070 NO RIDER POSTING. WAC 296–90–080 MAINTENANCE, INSPECTION AND

TEST PERIODS.

WAC 296-90-090 COMPLIANCE WITH CODES.

WSR 85-23-055
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the repeal of chapter 296-83 WAC, electric manlifts.

This notice proposes to repeal chapter 296-83 WAC. These rules have been incorporated into ANSI/ASME A17.1, Part XV, special purposes personnel elevators, which has already been adopted, making this code redundant:

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-83 WAC, Electric manlifts; including WAC 296-83-010 through 296-83-085.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to repeal chapter 296-83 WAC, electric manlifts.

Reasons Supporting the Proposed Repeal: These rules have been incorporated into ANSI/ASME A17.1, Part XV, special purpose personnel elevators, which has already been adopted, making this code redundant.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872–6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753–7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Repeal: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule:

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-83-010 SCOPE AND APPLICATION.

WAC 296-83-015 WAIVER AND VARIANCE. WAC 296-83-020 HOISTWAY ENCLOSURES AND LANDINGS. WAC 296-83-025 HOISTWAY GATES. WAC 296-83-030 ELEVATOR CAR. WAC 296-83-035 WAC 296-83-040 ELEVATOR DOORS. COUNTERWEIGHT, ENCLOSURES AND FASTENINGS. WAC 296-83-045 WAC 296-83-050 **GUIDE RAILS.** HOISTING ROPES. WAC 296-83-055 SPACE UNDER HOISTWAY. WAC 296-83-060 WAC 296-83-065 CAR SAFETIES. BRAKES. WAC 296-83-070 CAR CONTROLS AND SAFETY DEVICES. WAC 296-83-075 HOISTING MACHINE MECHANISMS. WAC 296-83-080 **ELEVATOR CAR AND COUNTER-**WEIGHT BUFFERS. WAC 296-83-085 GENERAL REQUIREMENTS.

> WSR 85-23-056 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES (Division of Building and **Construction Safety Inspection Services**)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the repeal of chapter 296-92 WAC, safety rules governing wheelchair lifting devices.

These rules are incorporated in ANSI/ASME A17.1 Safety Code for Elevators and Escalators, Part XX, Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

> Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-92 WAC, Safety rules governing wheelchair lifting devices; including WAC 296-92-010 through 296-92-110.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to repeal chapter 296-92 WAC, safety rules governing wheelchair lifting devices.

Reasons Supporting the Proposed Repeal: These rules are incorporated into ANSI/ASME A17.1 Safety Code for Elevators and Escalators, Part XX Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private. Public, or Governmental, that is Proposing the Repeal: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-92-010 DEFINITIONS.

WAC 296-92-020 LOCATION, TRAVEL AND SPEED.

WAC 296-92-030 GUARDS AND RAMPS.

WAC 296-92-040 SUPPORTS.

WAC 296-92-050 FRAMES, PLATFORMS AND CAPACITY.

WAC 296-92-060 CONTROLS AND ELECTRICAL EQUIPMENT.

WAC 296-92-070 PUBLIC ASSEMBLY AND INSTITU-TIONAL INSTALLATIONS

WAC 296-92-080 NONSKID SURFACING. WAC 296-92-090 INSTALLATION PERMITS AND AC-**CEPTANCE INSPECTIONS**

WAC 296-92-100 SUBMISSION OF PLANS FOR INSTALLATION.

WAC 296-92-110 OPERATION AND MAINTENANCE MANUALS.

WSR 85-23-057 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES (Division of Building and Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the amending of chapter 296–100 WAC, safety requirements for material hoists.

This notice proposes to add three new sections to this code to define the scope, and to incorporate the national standards for material hoists used temporarily on construction sites;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985

By: Richard A. Davis

Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-100 WAC, Safety requirements for material hoists; including WAC 296-100-001 Scope; 296-100-050 Capacity plate; and 296-100-060 Safety requirements for material hoists.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to add three new sections to chapter 296–100 WAC, safety requirements for material hoists. The new rules are being added to define the scope, and to incorporate the national standards for material hoists use temporarily on construction sites.

Reasons Supporting the Proposed Rule(s): The elevator section makes inspections of these material hoists. The present code does not meet the standards of the Washington Industrial Safety and Health Act. Adoption of the national standards will eliminate the dual standards within the Department of Labor and Industries.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement:

Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

NEW SECTION

WAC 296-100-001 SCOPE. This standard applies to the design, construction, installation, operation, inspection, testing, maintenance, alterations, and repair of material hoists used to raise or lower materials during construction, alteration, or demolition. It is not applicable to the temporary use of permanently installed personnel elevators as material hoists.

NEW SECTION

WAC 296-100-050 CAPACITY PLATE. Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

NEW SECTION

WAC 296-100-060 SAFETY REQUIREMENTS FOR MATE-RIAL HOISTS. All material hoists shall conform to the requirements of ANSI A10.5-1981.

WSR 85-23-058
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Division of Building and
Construction Safety Inspection Services)
[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the amending of chapter 296-86 WAC, regulations and fees for freight and passenger elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and personnel elevators.

This notice proposes to amend several sections of chapter 296-86 WAC. These rules require and set fees for the installation, operation and inspection of elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and personnel elevators;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296–86 WAC, regulations and fees for freight and passenger elevators, manlifts, dumbwaiters, escalators, moving walks, automobile parking elevators, and personnel elevators; including WAC 296–86–020 Construction and alteration fee; 296–86–030 Installation fee for personnel elevators, material hoists and cantilever hoists; 296–86–060 Annual operating permit fees; 296–86–070 Supplemental inspections; and 296–86–075 Reinspection fee.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to amend several sections of chapter 296-86 WAC. These rules require and set fees for the installation, operation and inspection of conveyances.

Reasons Supporting the Proposed Rule(s): The present fee structure is unjust, as the owner of a two-floor building pays the same operating permit fee as the owner of a thirty-floor building, and the time spent inspecting varies according to type of conveyance and number of floors. The proposed fee schedule will correct this. Also, it will increase the elevator section's revenue to coincide with inflation generated since the last adjustment in 1982.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision. Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-020 CONSTRUCTION AND ALTERATION FEE. The construction and alteration fee schedule shall be:

| TOTAL COST | FEE |
|---|---|
| \$250.00 to and including \$1,000\$ | ((25.00)) |
| \$1,001 to and including \$15,000 | <u>27.50</u> |
| For first \$1,001 | ((35.00)) 38.50 |
| For each additional \$1,000 or fraction | ((7.00)) |
| \$15,001 to and including \$100,000 | <u>7.70</u> |
| For first \$15,001 | ((133.00)) 146.30 |
| For each additional \$1,000 or fraction | ((5.00)) 5.50 |
| Over \$100,001 | 5.50 |
| For first \$100,001 | ((558.00)) |
| For each additional \$1,000 or fraction | 613.80 ((4.00)) 4.40 |

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-030 INSTALLATION FEE FOR PERSONNEL ELEVATORS, MATERIAL HOISTS, AND CANTILEVER HOISTS. The fee for the installation of each personnel elevator, material hoist, and cantilever hoist shall be ((\$\frac{\$\psicktimes 60.00}{\$\psicktimes 0.00}\$) \$90.00.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-060 ANNUAL OPERATING PERMIT FEES. Fees for annual operation shall be paid in accordance with the following schedule and no operating permit shall be issued for the operation of a conveyance until such fees have been received.

| CONVEYANCE | ANNUAL FEE |
|---|----------------------------|
| ((Each passenger elevator | |
| Each freight elevator | |
| Each hydraulic elevator | |
| Each cable elevator | <u>90.00</u> |
| | plus \$7.00 for |
| | each hoistway opening |
| | in excess of two. |
| Each cable elevator traveling more | 10.00 for each 25 ft. |
| than 25 ft. without opening | f travel without openings. |
| Each sidewalk freight elevator | ((60.00)) |
| | 70.00 |
| Each hand power freight elevator | |
| Lacii nana power rieight elevator | 45.00 |
| Each hand names mostiff | |
| Each hand power manlift | |
| TO 14 1 12 12 12 12 12 12 12 12 12 12 12 12 1 | 45.00 |
| Each incline lift | |
| | 70.00 |
| Each belt manlift | |
| | <u>70.00</u> |
| Each boat launching elevator | ((60.00)) |
| | 70.00 |
| Each auto parking elevator | (60.00) |
| | 70.00 |
| Each escalator | |
| | 70.00 |
| Each moving walk | |
| | 70.00 |
| Each dumbwaiter | |
| Each dumovated | 45.00 |
| Each people mover | |
| Lacii people movei | *** |
| P14-1-116 | 60.00 |
| Each stair lift | ((13.00)) |

45.00

| CONVEYANCE | ANNUAL FEE |
|-------------------------|------------------------------|
| Each wheel chair lift | ((13.00)) |
| | 45.00 |
| Each personnel elevator | (60.00) |
| | 70.00 |
| Each material hoist | ((60.00)) |
| | 70.00 |
| Each cantilever hoist | $\dots \overline{((60.00))}$ |
| | 70.00 |

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-070 SUPPLEMENTAL INSPECTIONS. Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the department a fee of ((\$235.00)) \$258.00 per day plus the standard per diem and mileage allowed by the department to its inspectors.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-86-075 REINSPECTION FEES. No fee shall be charged for the yearly inspection or for the initial inspection after installation or alteration. If, however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of ((\$35)) \$70.00 per conveyance to be inspected shall be charged for the reinspection, and if there is still failure to comply with the rules of the department, a fee of ((\$40)) \$90.00 shall be charged for every conveyance requiring a further reinspection. These fees are in addition to the fees charged under WAC 296-86-020 and must be paid before issuance of an operating permit. The department may waive the reinspection fee where, through no fault of the requesting person or agency, or of the person or agency responsible for payment of the reinspection fee, reinspection is not possible; or for other reasons that in justice or equity obviate the necessity of payment of the reinspection fee.

WSR 85-23-059 PROPOSED RULES **DEPARTMENT OF** LABOR AND INDUSTRIES (Division of Building and Construction Safety Inspection Services)

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Building and Construction Safety Inspection Services, Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the adopting of chapter 296-94 WAC, safety rules governing the construction, operation, maintenance and inspection of inclined passenger lifts for private use; including WAC 296-94-010 through 296-94-250.

This code will provide rules for the installation inspection of inclined lifts on private property;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Kent Office Conference Room, Building S, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 10, 1986.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is RCW 70.87.080, 70.87.090 and 70.87.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 13, 1985 By: Richard A. Davis Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-94 WAC, Safety rules governing the construction, operation, maintenance and inspection of inclined passenger lifts for private use; including WAC 296-94-010 through 296-94-250.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: RCW 70.87.080, 70.87.090 and 70.87.100.

Summary of the Rule(s): This notice proposes to adopt new chapter 296-94 WAC, to provide rules for the installation inspection of inclined lifts on private property.

Reasons Supporting the Proposed Rule(s): We have had several requests for inspection of these lifts in the past year and many more are expected. People are requesting codes for the installation of this equipment to reduce their liability. Codes for private residences are under development by the ANSI/ASME A.17 code committee to be incorporated into their code sometime in the future.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Paula Rinta Stewart, Assistant Director, Division of Building and Construction Safety Inspection Services, 520 South Water Street, Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for private parties who must comply with them. However, the rules will likely prevent many costly injuries, including death, to persons in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required for this statement.

Chapter 296-94 WAC SAFETY RULES GOVERNING THE CONSTRUCTION, OPER-ATION, MAINTENANCE AND INSPECTION OF INCLINED PASSENGER LIFTS FOR PRIVATE USE

WAC 296-94-010 Scope. 296-94-020 Definitions. 296-94-030 Approval of plans and specifications.

| 296-94-040 | Protection required. |
|------------|--|
| 296-94-050 | Landing enclosures and gates—Where required. |
| 296-94-060 | Bumpers and buffers. |
| 296-94-070 | Machinery beams and supports. |
| 296-94-080 | Platform area and rated load. |
| 296-94-090 | Rated speed. |
| 296-94-100 | Car and chassis construction. |
| 296-94-110 | Car enclosures. |
| 296-94-120 | Car doors or gates. |
| 296-94-130 | Use of glass and plastics. |
| 296-94-140 | Data plates. |
| 296-94-150 | Guide and track supports and fastenings. |
| 296-94-160 | Counterweight guiding and construction. |
| 296-94-170 | Car safeties and governors. |
| 296-94-180 | Driving machines and sheaves. |
| 296-94-190 | Terminal stopping switches. |
| 296-94-200 | Operation. |
| 296-94-210 | Suspension means. |
| 296-94-220 | Traveling cable(s). |
| 296-94-230 | Electric wiring. |
| 296-94-240 | Track(s)/Guide(s) supporting structure. |
| | |

NEW SECTION

296-94-250

WAC 296-94-010 SCOPE. These regulations apply to the construction, operation, maintenance, and inspection of all inclined passenger lifts for private use installed in the state of Washington.

Means of egress.

NEW SECTION

WAC 296-94-020 DEFINITIONS. (1) "Inclined passenger lift" means a device constructed and operated for transporting persons from one elevation to another and consisting essentially of a car or platform traveling on guide rails in an inclined plane. For the purpose of these rules, the terms "inclined passenger lifts" shall have the same meaning as the terms "passenger elevator" as defined by RCW 70.87.010 (4)(a)

(2) Devices installed indoors on stairways and utilizing chairs for carrying passengers are not considered as being inclined passenger lifts

insofar as these regulations are concerned.

(3) "Enforcing authority" means the division of building and construction safety inspection services of the department of labor and industries.

NEW SECTION

WAC 296-94-030 APPROVAL OF PLANS AND SPECIFI-CATIONS. (1) Before commencing construction of any inclined passenger lift the owner shall submit complete plans and specifications to the enforcing authority for approval.

(2) Plans and specifications covering the installation of an inclined passenger lift shall be endorsed by a professional engineer before approval by the enforcing authority will be considered.

NEW SECTION

WAC 296-94-040 PROTECTION REQUIRED. If the car sides extend less than six feet above the floor of the car, there shall be no obstruction along the runway with the arc with a twenty-four inch radius whose center is the outer corner of the top rail of the car enclosure.

EXCEPTION: When solid guards are installed on the obstruction in both directions of travel which project at least fourteen inches in line with the direction of travel, the running clearance may be reduced to seven inches. The exposed edge of the guard shall be rounded to eliminate shear hazards.

NEW SECTION

WAC 296-94-050 LANDING ENCLOSURES AND GATES-WHERE REQUIRED. (1) Landing enclosures. Where a landing platform is provided or if a portion of an existing structure is used as a landing platform, it shall be protected by a railing no less than fortytwo inches high.

(2) Landing gates. The opening in the railing shall be guarded by a gate to a height equal to that of the railing. The gates may be of the horizontally sliding or swing type and shall be equipped with a lock

and an electrical contact to prevent movement of the car with a gate open.

NEW SECTION

WAC 296-94-060 BUMPERS AND BUFFERS. (1) Solid bumpers. For rated speeds not exceeding fifty feet per minute, if spring or equivalent type buffers are not used, solid bumpers shall be installed.

(2) Construction and requirements for solid bumpers. Solid bumpers shall be made of wood or other suitable resilient material of sufficient strength to withstand without failure the impact of the car with rated load or the counterweight, descending at one hundred fifteen percent of the rated speed. The material used shall be of a type which will resist deterioration or be so treated as to resist deterioration.

(3) Spring buffers. For speeds exceeding fifty feet per minute buffers of the spring type shall be installed.

(4) Construction and requirements for spring buffers. Spring buffers shall be constructed so as to have a minimum stroke of three-quarters of an inch and a maximum stroke of one and one-half inches and shall not be fully compressed when struck by the car with its rated load or counterweight traveling at one hundred fifteen percent of the rated speed.

NEW SECTION

WAC 296-94-070 MACHINERY BEAMS AND SUPPORTS. (1) Securing of machinery beams and type of supports. All machinery and sheaves shall be so supported and secured as to effectually prevent any part becoming loose or displaced. Beams directly supporting machinery shall be of steel or sound timber or reinforced concrete.

(2) Loads on beams and supports. Loads on beams and their supports shall be computed as follows:

(a) The total load on the beams shall be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.

(b) The load resting on the beams shall include the complete weights of the driving machine, sheaves, controller, etc.

(c) The load suspended from the beams shall include the sum of the tensions in all ropes suspended from the beams.

(3) Fastening of driving machines and sheaves to underside of beams. The elevator driving machine or sheaves shall not be fastened to the underside of the supporting beams at the top of the hoistway.

EXCEPTION: Idlers or deflecting sheaves with their guards and frames. Cast iron in tension shall not be used for supporting members for sheaves where they are hung beneath beams.

(4) Factor of safety of beams and supports. The factor of safety for beams and their supports shall be not less than:

For timber and reinforced concrete . . 6

NEW SECTION

WAC 296-94-080 PLATFORM AREA AND RATED LOAD. (1) Rated load. The rated load shall not exceed seven hundred pounds.

(2) Platform area. The inside net platform area shall not exceed twelve square feet.

EXCEPTION: The net platform area may be increased by not more than three square feet provided that shelves or benches permanently affixed to the car structure reduce the standing area to twelve square feet.

NEW SECTION

WAC 296-94-090 RATED SPEED. The rated speed measured along the incline shall not exceed seventy-five feet per minute.

NEW SECTION

WAC 296-94-100 CAR AND CHASSIS CONSTRUCTION. (1) Car and platform. Inclined lift cars shall have metal or combination metal and wood, or other materials of equal strength, frames and platforms. Car frames and platforms shall have a factor of safety of not less than five based on the rated load, all suitably prepared and/or protected for exposure to the weather.

(2) Chassis construction. Inclined lift chassis shall be constructed of metal, except for guiding members. Chassis shall have a factor of safety of not less than five, based on the rated load. The chassis guiding members shall be retained and/or enclosed in guide(s)/track(s) in such a manner that the chassis cannot be derailed.

(3) Use of cast iron. Cast iron shall not be used in the construction of any member of the car frame or chassis.

(4) Number of compartments. The car shall not have more than one compartment.

NEW SECTION

WAC 296-94-110 CAR ENCLOSURES. (1) Enclosures required. Except at the entrance, cars shall be enclosed on all sides to a height of not less than forty-two inches. The enclosure material will be of a design that will reject a ball one and one-half inches in diameter.

(2) Securing of enclosures. The enclosure shall be securely fastened to the car platform and so supported that it cannot loosen or become displaced in ordinary service or on the application of the car safety or on buffer engagement.

(3) Deflection of enclosure walls. The enclosure walls shall be of such strength and so designed and supported that when subjected to a pressure of seventy-five pounds applied horizontally at any point on the walls of the enclosure, the deflection will not reduce the running clearance below three-quarter inch, nor to exceed one inch.

NEW SECTION

WAC 296-94-120 CAR DOORS OR GATES. (1) Doors or gates required. A car door or gate which, when closed, will guard the opening to a height of at least forty-two inches, shall be provided at each entrance to the car. Car doors may be of solid or openwork construction which will reject a ball three inches in diameter.

(2) Door or gate electric contacts. Car doors or gates shall be provided with an electric contact which will prevent operation of the elevator by the operating device unless the car door or gate is within two inches of full closure.

(3) Manual operation. Car doors or gates shall be manually operated.

(4) Latching of swing gate. If the car gate is of the swing type opening outward from the car, the contact in WAC 296-94-140 shall not make until the gate is securely latched.

NEW SECTION

WAC 296-94-130 USE OF GLASS AND PLASTICS. (1) Tempered safety glass and plastics. Tempered safety glass and plastics conforming to the requirements of subsection (2) of this section may be used

(2) Weather resistant plastics. Plastics shall be of a weather resistant type.

NEW SECTION

WAC 296-94-140 DATA PLATES. (1) Capacity plates. A weather resistant capacity plate shall be provided by the manufacturer and fastened in a conspicuous place in the car stating the rated load in pounds, letters, and figures not less than one-fourth inch.

(2) Data plates. A metal data plate shall be provided by the manufacturer stating the weight of the car, speed, suspension means data, manufacturer's name, and the date of installation. It shall be fastened in a conspicuous place in the machine area.

NEW SECTION

WAC 296-94-150 GUIDE AND TRACK SUPPORTS AND FASTENINGS. (1) Material. Guide rails, guide rail brackets, splice plates, and their fastenings shall be of steel or other metals conforming to the requirements of this section.

(2) Stresses and deflections. The guide rail brackets, their fastenings and supports, shall be capable of resisting the horizontal forces imposed by loading with a total deflection at the point of support not in excess of one-eighth inch. The guide rails shall not deflect in any direction more than one-fourth inch measured at the midpoint between brackets.

(3) Overall length of guide rails or tracks. The top and bottom ends of each run of guide rail shall be so located in relation to the extreme positions of travel of the car and counterweight that the car and counterweight guiding members cannot travel beyond the ends of the guide rails.

NEW SECTION

WAC 296-94-160 COUNTERWEIGHT GUIDING AND CONSTRUCTION. (1) Guiding. Counterweights, where used, shall be in a guide or track.

(2) Construction. Counterweights shall not be of sufficient weight to cause undue slackening of any car hoisting rope or chain during acceleration or retardation of the car. Counterweight weight section shall be mounted in structural or formed metal frames so designed as to retain weights securely in place.

EXCEPTION: Counterweights may be constructed of a single metal plate.

NEW SECTION

WAC 296-94-170 CAR SAFETIES AND GOVERNORS. (1) Where required. All inclined lifts shall be provided with a safety capable of stopping and sustaining the car with rated load.

(2) Operation of car safeties. The car safety shall be of the type A or B and operated by a speed governor. The governor shall operate to set the safety at a maximum speed of one hundred forty percent of rated speed and on breakage of the hoisting ropes, the safety shall operate without appreciable delay and independently of the governor speed action.

(3) Location of speed governor. Where a speed governor is used, it shall be located where it cannot be struck by the car or counterweight in case of overtravel and where there is sufficient space for full movement of the governor parts and where it is accessible for examination.

(4) Opening of brake and motor control circuits on safety application. The motor-control circuit and the brake-control circuit shall be opened before or at the time the safety applies.

(5) Governor ropes. The governor ropes, where used, shall be of iron, steel, monel metal, or phosphor bronze not less than one-quarter inch in diameter. Tiller-rope construction shall not be used.

(6) Slack-rope and slack-chain devices for winding-drum and roller-chain type driving machines. Inclined lifts of the winding-drum type with rope suspension shall be provided with a slack-rope device of the manually reset type which will remove the power from the motor and brake if the car is obstructed in its descent and the hoisting ropes slacken.

Inclined lifts with roller-chain suspension shall be provided with a slack-chain device which will remove the power from the motor and brake if the car is obstructed in its descent and the hoisting chains slacken. This device need not be of the manually reset type if the chain sprockets are guarded to prevent the chain from jumping off the sprockets.

(7) Application of car safety. A car safety device which depends upon the completion or maintenance of an electric circuit for the application of the safety shall not be used. Car safeties shall be applied mechanically.

(8) Use of cast iron in car safeties. Cast iron shall not be used in the construction of any part of a car safety the breakage of which would result in failure of the safety to function to stop and sustain the car.

(9) Car safety tests. A test of the car safety shall be made with rated load in the car before the inclined lift is put into service. Governor operation of instantaneous-type safeties shall be tested at rated speed by tripping the governor by hand. Where speed governors are located on the car or chassis, testing shall be performed by obtaining sufficient slack rope and dropping the car.

NEW SECTION

WAC 296-94-180 DRIVING MACHINES AND SHEAVES. (1) Materials for drums and sheaves and minimum diameter. Winding drums, traction sheaves, and overhead and deflecting sheaves shall be of cast iron or steel, of a diameter of not less than thirty times the diameter of the wire hoisting ropes. The rope grooves shall be machined.

EXCEPTION: Where 8 x 19 steel ropes are used, the diameter of drums and sheaves may be reduced to twenty-one times the diameter of the rope.

(2) Factor of safety. The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves shall be not less than:

(a) Eight for wrought iron and steel;

(b) Ten for cast iron, cast steel, and other material.

(3) Set-screw fastenings. Set-screw fastenings shall not be used in lieu of keys or pins if the connection is subject to torque or tension.

- (4) Friction gear, clutch mechanism, or coupling. Friction gear, clutch mechanism, or coupling shall not be used for connecting the drum or sheaves to the main driving gear.
- (5) Use of cast iron in gears. Worm gearing having cast iron teeth shall not be used.
- (6) Driving machine brakes. Driving machines shall be equipped with electrically released spring-applied brakes.
- (7) Operation of brake. A single ground or short circuit, a counter-voltage, or a motor field discharge shall not prevent the brake magnet from allowing the brake to set when the operating device is placed in the stop position.
- (8) Location of driving machine, alignment, and guarding of sheaves. The driving machine may be mounted on the car chassis or placed at a remote location. If remotely located, all intervening sheaves or sprockets shall be placed to ensure rope or chain travels in proper alignment. All sheaves or sprockets shall be guarded.
- (9) Driving-machine roller-chain sprockets. Driving-machine roller-chain sprockets shall be steel and shall conform in all particulars of design and dimensions to ANSI B29.1-1963, Transmission Roller Chains and Sprocket Teeth.
 - (10) Screw machines. Screw machines shall not be used.
- (11) Hydraulic driving machines. Hydraulic driving machines, where used, shall conform to ANSI A17.1. Roped hydraulic machines may be used.

NEW SECTION

- WAC 296-94-190 TERMINAL STOPPING SWITCHES. (1) Terminal stopping switches. Upper and lower normal terminal stopping switches, operated by the chassis, shall be provided and set to stop the chassis at normal top and bottom terminals of travel.
- (2) Final stopping switches. Final terminal stopping switches, operated by the chassis, shall be provided and set to stop the chassis should it overtravel the normal terminals.
- (3) Slack cable switches. On winding drum machines, a slack cable switch may be used in lieu of a bottom final terminal switch.
- (4) Operation of stopping devices. The final terminal stopping device shall act to prevent the movement of the chassis in both directions of travel. The normal and final terminal stopping devices shall not control the same switches on the controller unless two or more separate and independent switches are provided, two of which shall be closed to complete the motor and brake circuits in each direction of travel.

NEW SECTION

- WAC 296-94-200 OPERATION. (1) Type of operation. The incline lift shall be operated by constant pressure or momentary pressure key switches at each landing and on the car. Key-operated switches shall be of the spring return type and shall be operated by a cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position and shall be weatherproof.
- (2) Emergency stop switches in cars. An emergency stop switch shall be provided on or adjacent to the car operating panel. Stop switches shall be of the manually opened and manually closed type with red handles or buttons and conspicuously marked "STOP". Where springs are used, their failure shall not prevent opening of the switch.
- (3) Control and operating circuit requirements. The design and installation of the control and operating circuits shall conform to the following:
- (a) Control systems which depend on the completion or maintenance of an electric circuit shall not be used for:
- (i) Interruption of the power and application of the machine brake at the terminals:
- (ii) Stopping of the car when the emergency stop switch in the car is opened or any of the electrical protective devices operate;
 - (iii) Stopping the machine when the safety applies.
- (b) If springs are used to actuate switches, contactors, or relays to break the circuit to stop an elevator at the terminal, they shall be of the restrained compression type.
 - (4) Hand rope operation. Hand rope operation shall not be used.

NEW SECTION

WAC 296-94-210 SUSPENSION MEANS. (1) Types permitted. Where the chassis is suspended from the driving machine by a wire rope or roller chain, a single suspension means may be used. The suspension means shall be any one of the following:

- (a) Steel elevator wire rope;
- (b) Steel aircraft cable;
- (c) Roller chain conforming to ANSI Transmission Roller Chains and Sprocket Teeth.
- (2) Types prohibited. Steel tapes shall not be used as suspension means.
- (3) Minimum diameter of suspension means. The diameter of hoist rope(s) or cable(s) shall not be less than the following:
 - (a) One-quarter inch for elevator wire rope;
 - (b) Three-sixteenth inch for galvanized aircraft cable.
- (4) Factor of safety of suspension means. The suspension means shall have a factor of safety of not less than eight based on the tension on the rope(s) or chain(s) when raising the carriage and its rated load. In no case shall the rated breaking strength of the rope(s) or chain(s) be less than four thousand pounds.
- (5) Arc of contact of suspension means on sheaves and sprockets. The arc of contact of a wire rope on a traction sheave shall be sufficient to produce adequate traction under all load conditions. The arc of contact of a chain with a driving sprocket shall be not less than one hundred forty degrees.
- (6) Idle turns of ropes on winding drums. All wire ropes anchored to a winding drum shall have not less than one full turn of rope on the drum when the car or counterweight has reached its limit of possible overtravel.
- (7) Lengthening, splicing, repairing, or replacing suspension means. No car or counterweight wire rope shall be lengthened or repaired by splicing broken or worn suspension chains shall not be repaired. If one wire rope or a chain of a set is worn or damaged and requires replacement, the entire set of ropes or chains shall be replaced. In the event that a worn chain is replaced, the drive sprocket shall also be replaced.
- (8) Securing ends of suspension ropes in winding drums. The winding-drum ends of car and counterweight wire ropes shall be secured by clamps on the inside of the drum or by one of the methods specified in subsection (9) of this section for fastening wire ropes to car or counterweight.
- (9) Fastening of rope suspension means to cars and counterweights. The car or counterweight ends of wire ropes shall be fastened by return loop, by properly made individual tapered babbitted sockets or by properly attached fittings as recommended by wire rope manufacturers. Clamps of the U-bolt type shall not be used.

Tapered babbitted rope sockets and the method of babbitting shall conform to the requirements of ANSI A17.1. The diameter of the hole in the small end of the socket shall not exceed the nominal diameter of the rope by more than three thirty-seconds of an inch.

NEW SECTION

WAC 296-94-220 TRAVELING CABLE(S). All traveling cable(s) shall be Type SO or ETT and shall conform to the requirements of the National Electrical Code ANSI CI-1975. Where circuits through the traveling cable(s) exceed thirty volts, a means will be provided to remove the power automatically upon parting of the traveling cable.

NEW SECTION

WAC 296-94-230 ELECTRIC WIRING. (1) Wiring requirements. All wiring shall conform to the requirements of the National Electrical Code.

(2) Electrical connections. If the driving machine is mounted on the car chassis, electrical connections between the car and power source is to be provided with a means to remove power should connecting traveling cable part. All electrical connections to the moving chassis and the stationary connections shall be insulated flexible conductors, in accordance with the National Electrical Code article six hundred and twenty on elevators.

NEW SECTION

WAC 296-94-240 TRACK(S)/GUIDE(S) SUPPORTING STRUCTURE. All supporting structures shall meet the local building codes.

NEW SECTION

WAC 296-94-250 MEANS OF EGRESS. (1) Hand crank. A hand crank capable of moving the car in accordance with ANSI A17.1 shall be provided.

(2) Brake release. The machine brake shall be provided with a lever to release the brake allowing use of the hand crank.

WSR 85-23-060 PROCLAMATION OFFICE OF THE GOVERNOR

Terminating an Emergency Proclamation

I, BOOTH GARDNER, Governor of the state of Washington, pursuant to RCW 43.06.210, do hereby terminate the proclamation of November 13, 1985, which declared a state of emergency in Washington State.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of November, Nineteen Hundred and Eighty-five.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

WSR 85-23-061 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LABOR AND INDUSTRIES

(Apprenticeship and Training Council)

[Memorandum—November 18, 1985]

On October 18, 1985, the Washington State Apprenticeship and Training Council set a schedule for their meetings in 1986. Listed below are the dates, places, and times for these meetings:

| January 16-17, 1985 [1986] | Tacoma | 9:30 a.m. |
|----------------------------|-----------|-----------|
| April 17–18, 1985 [1986] | Kennewick | 9:30 a.m. |
| July 17-18, 1985 [1986] | Vancouver | 9:30 a.m. |
| October 16-17, 1985 [1986] | Yakima | 9:30 a.m. |

WSR 85-23-062 NOTICE OF PUBLIC MEETINGS COMMISSION FOR VOCATIONAL EDUCATION

[Memorandum-November 14, 1985]

Lake Washington Vocational Technical Institute 11605 132nd Avenue N.E. Kirkland, Washington

> WORK SESSION Wednesday December 11, 1985 1:00 p.m.

Members of the Commission for Vocational Education will tour Lake Washington VTI, then meet in a work session to discuss the CVE response to the State Advisory Council on Vocational Education recommendation on a unified statewide policy on vocational technical education in Washington state and revisions to the Washington state three-year (1986–1988) plan for vocational education.

Thursday
December 12, 1985
9:30 a.m.

The regular business meeting of the commission will convene at 9:30 a.m. Primary agenda items will include: Job skills program applications, revisions to the Washington state three-year plan for vocational education (supplemental funding), and the CVE response to the State Advisory Council on Vocational Education recommendation on a unified statewide policy on vocational technical education in Washington state.

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Commission for Vocational Education, Building 17, Airdustrial Park, MS LS-10, Olympia, WA 98504, by December 2, 1985, phone (206) 753-5662 or scan 234-5662.

WSR 85-23-063 ADOPTED RULES DEPARTMENT OF LICENSING (Securities Division)

[Order SDO-220-85-Filed November 19, 1985]

I, Theresa Aragon, director of the Department of Licensing, do promulgate and adopt at 1300 Quince Street S.E., Olympia, WA 98504, the annexed rules relating to the registration of securities broker-dealers, salespersons, investment adviser and investment adviser salespersons:

| - | | | | |
|-----|-----------------|-------------------|--------------------|------|
| Amd | WAC 460-20A-210 | Notice of change | s by broker-deal | ers. |
| Amd | WAC 460-20A-220 | Salesperson | registration | and |
| | | examination. | | |
| Amd | WAC 460-20A-230 | Broker-dealer | registration | and |
| | | examination. | | |
| Amd | WAC 460-20A-400 | Dual representati | on and affiliation | n. |

Amd WAC 460-24A-050 Investment adviser and investment adviser salesperson (representative) registration and examinations.

Amd WAC 460-24A-205 Notice of changes by investment adviser.

New WAC 460-24A-220 Dishonest or unethical business practices—Investment adviser and investment adviser salesperson.

This action is taken pursuant to Notice No. WSR 85-19-070 filed with the code reviser on September 17, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 21.20.450 and is intended to administratively implement that statute.

These rules, WAC 460-20A-210, 460-20A-220, 460-20A-230, 460-20A-400, 460-24A-050, 460-24A-205 and 460-24A-220 are promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985.

By T. A. Aragon

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-20A-210 NOTICE OF CHANGES BY BROKER-DEALERS. (1) Each licensed broker-dealer shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein) promptly file an amendment to such application setting forth the changed information (and in any event within 30 days after the change occurs).

- (2) Each licensed broker-dealer shall notify the administrator of the employment of any new agent in Washington ((fand of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed] [by submitting a completed NASD Form U-4 to the administrator or the administrator's designee],)) and of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed by submitting a completed NASD Form U-4 to the administrator or the administrator's designee within (21) days after the event occurs.
- (3) Each licensed broker-dealer shall notify the administrator of the termination of employment of any agent in Washington by submitting a completed NASD Form U-5 to the administrator or the administrator's designee, within 30 days after the event occurs.
- (4) With respect to any broker-dealer registered under the Securities Exchange Act of 1934, it shall be

(({a})) sufficient compliance with subsection (1) of this section if a copy of an amendment to Form BD of the Securities and Exchange Commission containing the required information, or transmitted for filing to, the administrator not later than the date on which such amendment is required to be filed with the Securities and Exchange Commission.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-20A-220 SALESPERSON REGISTRATION AND EXAMINATION. (1) Every applicant for registration as a securities salesperson, unless exempt as provided herein, shall pass the following examinations with a score of 70% or better and complete the NASD Form U-4.

- (a) For a salesperson's license to effect or attempt to effect sales of general securities, the individual shall pass the NASD uniform securities agent state law examination and ((either the SECO/NASD nonmember general securities representative examination or)) the NASD general securities representative examination((, provided that any applicant taking the SECO/NASD nonmember general securities representative examination or the NASD general securities representative examination after August 19, 1981 but prior to February 19, 1982 shall not be required to complete the NASD uniform securities agent state law exam)).
- (b) For a limited salesperson's license to effect or to attempt to effect sales of investment company securities, variable contracts or mutual funds, the individual shall pass the NASD investment company products/variable contracts representative examination and the uniform securities agent state law examination.
- (c) For a limited salesperson's license to effect or to attempt to effect sales of limited partnership interests and interests in tax shelters, the individual shall pass the NASD direct participation program representative examination and the uniform securities agent state law examination.
- (d) For a limited salesperson's license to effect or to attempt to effect sales of municipal bonds, the individual shall pass the NASD municipal securities representative examination and the uniform securities agent state law examination.
- (e) For a limited salesperson's license to effect or to attempt to effect sales of real estate program offerings, the individual shall pass the uniform real estate securities examination and the uniform securities agent state law exam.
- (2) Any individual out of the business of effecting transactions in securities for less than two years and who has previously passed the required examinations in (a), (b), (c), (d) or (e) above or the Washington state securities examination shall not be required to retake the examination(s) to be eligible to be relicensed upon application.
- (3) Upon written application and approval, the director may exempt the following persons from the testing requirements in subsection (1) above:

- (a) For a particular original offering of an issuer's securities, not more than two officers of an issuer or corporate general partner or two individual general partners. No such person may again register within five years as a salesperson without passing the written examinations.
- (b) A salesperson engaged exclusively in the sale of condominium securities provided that written notice is given to the director five days prior to the exercise of the exemption and that such salesperson submit a copy of his/her current Washington real estate license to the director. If that license is cancelled, suspended or revoked, the exemption will not apply to any further transaction.
- (4) The licenses in section (1) shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. ((The renewal fee for 1981 shall be \$12.50. For all years thereafter,)) The renewal fee shall be \$15.00. For any renewal application postmarked after ((December 31)) the expiration date but ((before March 1)) within ninety days thereafter, the fee shall be \$25.00. No renewal applications will be accepted after ((March 1)) that time. Such licensees must submit a new application and filing fee of \$35.00. The fee for transfers shall be \$25.00. ((For reinstatements prior to December 1, the fee shall be [\$50.00] [35.00] and shall be valid until December 31 of the year of reinstatement. Thereafter effectiveness shall run through the next renewal period.))
- (5) Any applicant not completing the salesperson application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent sixmonth period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.
- (6) Any salesperson registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and registered continuously thereafter, shall be subject to the regulation in effect at the time of the original application.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-20A-230 BROKER-DEALER REGISTRATION AND EXAMINATION. (1) In order to be licensed in this state as a broker-dealer the individual applicant, an officer if the applicant is a corporation, or a general partner if the applicant is a partnership shall pass the following examination with a score of 70% or better and complete the SEC Form B/D and complete the state of Washington registration check sheet.

- (a) For a broker-dealers license to effect transactions in general securities one individual, officer or general partner shall pass the NASD general securities principal examination, the uniform securities agent state law examination, and the financial and operations principal examination.
- (b) For a limited broker-dealer license to effect transactions in investment company securities, variable contracts or mutual funds one individual, officer ((of)) or

- general partner shall pass the NASD investment company products/variable contracts principal examination and the uniform securities agent state law examination.
- (c) For a limited broker-dealers license to effect transactions in limited partnership interests and interests in tax shelters one individual, officer or general partner shall pass the NASD direct participation programs principal examination and the uniform securities agent state law examination.
- (d) For a limited broker-dealer's license to effect transactions in municipal bonds, one individual, officer or general partner shall pass the NASD municipal securities principal examination and the uniform securities agent state law examination.
- (2) The director may upon application waive the financial and operations examination required in (a) above for brokerage firms which do not hold funds or securities for, or owe money or securities to customers and do not carry accounts of or for customers.
- (3) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the broker-dealer must notify the securities division of a substitute officer or general partner who has passed the same category of examination specified in (a), (b), (c) or (d) above within two months in order to maintain the broker-dealers license.
- ((\frac{\{(4)}}{\text{The licenses in (a), (b) or (c) shall be effective until December 31 of the year of passage at which time it shall be renewed or be delinquent. The renewal fee for 1981 shall be \$62.50. For all years thereafter, the renewal fee shall be \$75.00. For any renewal application postmarked after December 31 but before March 1, the fee shall be \$100.00. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee.
- (5) Any applicant not completing the broker-dealer application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent sixmonth period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.
- (6) Any broker-dealer registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered thereafter shall be subject to regulations in effect at the time of the original application.]))
- (4) The licenses in subsection (1) (a), (b), (c) or (d) of this section shall be effective until December 31 of the year of passage at which time it shall be renewed or be delinquent. The renewal fee shall be \$75.00. For any renewal application postmarked after the expiration date but within ninety days thereafter, the fee shall be \$100.00. No renewal applications will be accepted thereafter. Such licensee must submit a new application and filing fee of \$150.00.
- (5) Any applicant not completing the broker-dealer application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent six-

month period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.

(6) Any broker-dealer registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered continuously thereafter shall be subject to regulations in effect at the time of the original application.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-20A-400 DUAL REPRESENTATION AND AFFILIATION. (1) A person may be registered simultaneously in Washington as a security ((sales[person])) salesperson with more than one broker-dealer, issuer, or owner of securities(([-])), may be registered simultaneously in Washington as an investment adviser ((sales[person])) salesperson with more than one investment adviser or may be registered simultaneously in Washington as a securities salesperson and an investment adviser salesperson if an undertaking in a form acceptable to the administrator is entered into in writing between all employers.

- (2) The undertaking for <u>subsection</u> (1) <u>of this section</u> shall contain the following provisions:
- (a) The effective date of the dual employment with the respective employers $(\{\frac{1}{1},\frac{1}{1},\frac{1}{1}\})$
- (b) Consent by each employer to the employment of the ((sales[person])) salesperson by all other employers(([...][.])); and
- (c) An agreement by each employer to assume joint and several liability with all other employers for any act or omission of the ((sales[person])) salesperson in violation of the Washington securities law during his period of employment and continuing until written notice is given to the administrator of the termination of the employment relationship.
- (d) An agreement that each employer will register the ((sales[person])) salesperson with the securities division and pay the applicable registration fee.
- (3) A separate application for registration or renewal shall be made by each employer desiring to employ the ((sales[person])) salesperson. An executed copy of the undertaking required by subsection (1) of this section shall accompany the application. The application shall be filed with the administrator and shall contain such exhibits and information as may be required by the administrator, together with the fees required by RCW 21.20.340.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-24A-050 INVESTMENT ADVISER AND INVESTMENT ADVISER SALESPERSON (REPRESENTATIVE) REGISTRATION AND EXAMINATIONS. (1) In order to be licensed in this state as an investment adviser the individual applicant, the officer if the applicant is a corporation or a general partner if the applicant is a partnership shall complete

the uniform securities agent state law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better:

- (a) NASD general securities principal examination (Series 24) or
- (b) NASD investment company products/variable contracts principal examination (Series 26).

The applicant must also complete a Form ADV for the state of Washington.

- (2) An individual applicant, an officer if the applicant is a corporation or a general partner if the applicant is a partnership any one of which has completed the uniform securities agent state law examination with a score of seventy percent or better and which holds one of the following designations, shall not be required to complete the exams designated in subsection (1)(a) and (b) of this section in order to apply for an investment advisers
 - (a) Chartered investment counselor, or
 - (b) Chartered financial analyst, or
- (c) Certified financial planner which designation is completed on or after the effective date of these rules.

(([The applicant must also complete a Form ADV for the state of Washington.])) The applicant must also complete a Form ADV for the state of Washington.

- (3) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) ((above)) of this section within two months in order to maintain the investment adviser license.
- (4) In order to be licensed in this state as an investment adviser salesperson (representative) the individual applicant shall complete the uniform securities agent state law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better unless ((section)) subsection (6) of this section applies:
- (a) NASD general securities representative examination (Series 7), or
- (b) NASD investment company products/variable contracts limited representative qualifications examination (Series 6).

The applicant must also complete the Form U-4 for the state of Washington.

- (5) An individual who has completed the uniform securities agent state law examination with a score of seventy percent or better and who holds one of the following designations shall not be required to complete the exams designated in subsection (4) of this section in order to apply for an investment adviser salesperson (representative) license.
 - (a) Chartered investment counselor
 - (b) Chartered financial analyst
- (c) Certified financial planner whose designation is completed on or after the effective date of these rules.

The applicant must also complete the Form U-4 for the state of Washington.

- (6) The administrator may waive the testing requirements in ((section)) subsection (5) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has been engaged in rendering "investment supervisory services" as defined in section 202(a)(13) of the Investment Advisers Act of 1940.
- (7) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the ((\frac{\text{frequired examination in section (1) or (4) above or the}{\text{j}})) required examination in subsection (1) or (4) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application.
- (8) Any investment adviser or investment adviser salesperson registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered thereafter shall be subject to the regulations in effect at the time of the original application.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-24A-205 NOTICE OF CHANGES BY INVESTMENT ADVISER. (1) Each licensed investment adviser shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein) promptly file an amendment to such application setting forth the changed information (and in any event within 30 days after the change occurs).

- (2) With respect to any investment adviser registered under the Investment Advisers Act of 1940, it shall be a sufficient compliance with subsection (1) of this section if a copy of an amendment to Form ADV, of the Securities and Exchange Commission containing the required information, or transmitted for filing to, the administrator not later than the date on which such amendment is required to be filed with the Securities and Exchange Commission.
- (3) Each licensed investment adviser shall notify the administrator of the employment of any new representative in Washington by submitting a completed NASD Form U-4 with a photograph to the administrator or the administrator's designee, within 10 days after the event occurs.
- (4) Each licensed investment adviser shall notify the administrator of the termination of employment of any representative in Washington, by submitting a complete NASD Form U-5 to the administrator or the administrator's designee, within 30 days after the event occurs.

NEW SECTION

WAC 460-24A-220 DISHONEST OR UNETHICAL BUSINESS PRACTICES—INVESTMENT ADVISERS AND INVESTMENT ADVISER SALESPERSONS. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to investment advisers and investment adviser salespersons is hereby defined to include any of the following:

- (1) Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser.
- (2) Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within ten business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
- (3) Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
- (4) Placing an order to purchase or sell a security for the account of a client without authority to do so.
- (5) Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party trading authorization from the client.
- (6) Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.
- (7) Loaning money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.
- (8) To misrepresent to any advisory client, or prospective advisory client, the qualifications of the investment adviser or any employee of the investment adviser, or to misrepresent the nature of the advisory services being offered or fees to be charged for such service, or to omit to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.
- (9) Providing a report or recommendation to any advisory client prepared by someone other than the adviser without disclosing that fact. (This prohibition does not apply to a situation where the adviser uses published research reports or statistical analyses to render advice or where an adviser orders such a report in the normal course of providing service.)

- (10) Charging a client an unreasonable advisory fee in relation to fees charged by other investment advisers or investment adviser salespersons for similar services.
- (11) Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including but not limited to:
- (a) Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services;
- (b) Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees; and
- (c) An ownership or interest in any entity in which the investment adviser or investment adviser salesperson is recommending that the client purchase (excluding mutual funds).
- (12) Guaranteeing a client that a specific result will be achieved (gain or no loss) with advice which will be rendered.
- (13) Publishing, circulating or distributing any advertisement which does not comply with Rule 206(4)-1 under the Investment Advisers Act of 1940.
- (14) Disclosing the identity, affairs, or investments of any client unless required by law to do so, or unless consented to by the client.
- (15) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Reg. 206(4)-2 under the Investment Advisers Act of 1940.
- (16) Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the adviser and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract.

The conduct set forth above is not inclusive engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

WSR 85-23-064 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed November 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules

concerning restrictions and conditions, WAC 308-99-040:

that the agency will at 10:00 a.m., Friday, December 27, 1985, in the Fourth Floor Conference Room, Highways-Licenses Building, 12th and Jefferson Streets, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.85.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 20, 1985.

Dated: November 19, 1985

By: Donna M. Stringer

Assistant Director

Vehicle Services

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To amend WAC 308-99-040 so that it will comply with the provisions enacted by the legislature in chapter 353, Laws of 1985.

Summary: WAC 308-99-040 contains restrictions and conditions which apply to vehicles properly registered in another jurisdiction.

Statutory Authority: RCW 46.85.060.

Reason Proposed: The amendment to WAC 308-99-040 is proposed as a declaration made pursuant to the provisions of RCW 46.85.060 concerning the provision of WAC 308-99-040(9) which is, in the judgment of the department, in the best interest of the state and its citizens, and is fair and equitable to this state and its citizens. The basis for the determination is based on this consideration and a recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donna M. Stringer, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-6914 comm or 234-6914 scan, and H. George Ides, Administrator, Prorate and Fuel Tax Control, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-4565 comm or 234-4565 scan.

Proponents: Washington State Department of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 729-DOL [TL/RG 17], filed 9/9/83 [9/30/85])

WAC 308-99-040 RESTRICTIONS AND CONDITIONS. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions:

- (1) Nonresident tourists or other nonresident visitors: Length of stay cannot exceed one hundred eighty days in a calendar year.
- (2) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.
- (3) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at their official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.
- (4) Temporary employment: Nonresident persons engaged in employment of a temporary nature may operate a vehicle in this state which is currently licensed in another jurisdiction for a period not to exceed one hundred eighty days in a calendar year. Proof of the temporary nature of the employment may be required.
- (5) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.
- (6) Salespersons: Nonresident salespersons based at a location outside Washington are permitted to operate vehicles not to exceed 12,000 pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.
- (7) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.
- (8) Nonresident employed in Washington: A nonresident employed in Washington for more than one hundred eighty days in a calendar year may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.
- (9) New resident: New Washington residents shall be allowed sixty days from the date of establishing residency to procure Washington registration for their vehicle.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 85-23-065 ADOPTED RULES COUNCIL ON HEARING AIDS

[Order PL 563-Filed November 19, 1985]

Be it resolved by the Washington State Council on Hearing Aids, acting at the Travelodge at Sea-Tac, Rooms A and B, 2824 South 188th Street, Seattle, WA 98188, that it does adopt the annexed rules relating to personal disclosure, amending WAC 308-50-310.

This action is taken pursuant to Notice No. WSR 85-19-034 filed with the code reviser on September 12, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.35.161 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 28, 1985.

By Thomas S. Rees, Ph.D.

Chairman

AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-310 PERSONAL DISCLOSURE. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

- (1) When the contact is in person, present the prospective purchaser with written notice of:
- (a) His or her name, the name of his or her business firm, his or her business address and telephone number;
 - (b) The number of his or her license.
- (2) Telephone contact with prospective purchasers must disclose the name of the licensee, name of his or her business firm and purpose of call.

WSR 85-23-066 ADOPTED RULES DEPARTMENT OF LICENSING

[Order TL-RG-19-Filed November 19, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 308-93-050, 308-93-060, 308-93-070, 308-93-075, 308-93-135, 308-93-190, 308-93-210, 308-93-360, 308-93-450, 308-93-620, 308-93-650; repealing WAC 308-93-260; and new sections WAC 308-93-071 and 308-93-077.

This action is taken pursuant to Notice No. WSR 85-16-095 filed with the code reviser on August 6, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 258, Laws of 1985, which directs that the Department of Licensing has authority to implement the provisions of chapter 258, Laws of 1985.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 18, 1985.

By Theresa Anna Aragon Director AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-050 VESSELS EXEMPTED FROM REGISTRATION, EXCISE TAX AND TITLING. The following vessels are exempt from registration, titling, and the assessment of excise tax:

- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;
- (3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;
- (4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;
- (5) A ship's lifeboat used solely for lifesaving purposes;
- (6) All vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;
- (7) Vessels equipped with propulsion machinery of less than ten horsepower that:
- (a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
- (b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and
- (c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;
- (8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;
- (9) Vessels which are temporarily in this state undergoing repair or alteration;
- (10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:
 - (a) Commercial fishing vessels;
 - (b) Barges;
- (c) Charter vessels, including, bare boat and time share charters.
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;
 - (12) A vessel not using the waters of this state.

AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-060 REGISTRATION PERIOD. The registration period for the state will be July 1 of the current year through June 30 of the following year for purposes of implementing chapter 88.02 RCW ((and chapter 250, Laws of 1984)). A vessel numbered in this state under the Federal Boat Safety Act need not register under chapter 88.02 RCW until ((the earlier of one year from the date this state's vessel numbering system is approved under the Federal Boat Safety Act; or the expiration date of the certificate of number issued for the vessel under the Federal Boat Safety Act)) July 1, 1985.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: PROVIDED, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state: PROVIDED FURTHER, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one—twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: PROVIDED, That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered: PROVIDED FURTHER, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-070 APPLICATION FOR TITLE/REGISTRATION. (1) An application for certificate of title or registration of a vessel shall be completed and shall include:

- (a) The names, addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.
 - (b) Make, model year and length of vessel.

- (c) Type of power (gasoline, diesel, propane, etc.).
- (d) Primary use.
- (e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).
 - (f) Type of vessel (open, cabin, house, or other).
- (g) Primary vessel construction (fiberglass, wood, aluminum, etc.).
 - (h) County of moorage.
 - (i) Coast guard number, if any.
- (j) Purchase cost and purchase year of vessel or declared value and year of declaration.
 - (k) Hull identification number.
- (1) The number previously issued by an issuing authority for the vessel, if any.
- (m) That the application is for a new number, renewal or transfer of ownership.
 - (n) State in which vessel is or will be principally used.
 - (o) Federal document number, if applicable.
- (2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.
- (3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.
- (4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.
- (5) The application for certificate of title or registration shall be accompanied by the following where applicable:
 - (a) A copy of the bill of sale or sales agreement.
 - (b) Vessel data form.
 - (c) Declaration of value form.
 - (d) All proper fees and excise tax.
 - (e) Previous ownership document properly released.
 - (f) Excise exemption affidavit.
 - (g) Proof of sales tax paid.
 - (h) Proof of personal property tax paid.
- (i) Manufacturer's ((certificate)) statement of origin or original factory invoice.
 - (j) Copy of carpenter certificate.
- (k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform commercial code-secured transactions.
 - (1) Release of interest form.
 - (m) Verification of ownership.
- (n) Copy of certificate of ownership of vessel issued by United States Coast Guard.
- (o) Additional documentation for issuance of class "A" title as described in WAC 308-93-074.
- (6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.
- (7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-075 INSPECTION OF CERTIFICATE. Each person using a vessel required to be registered under chapter 88.02 RCW ((and chapter 250, Laws of 1984,)) shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-135 VESSEL NUMBER RE-QUIRED. Except as provided in chapter 88.02 RCW ((and chapter 250, Laws of 1984)), no person may use a vessel on the waters of this state unless:

- (1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and
- (2) The number is displayed as described in WAC 308-93-145.

AMENDATORY SECTION (Amending Order 736–DOL, filed 11/18/83)

WAC 308-93-190 PREREQUISITE TO ISSU-ANCE OF VESSEL REGISTRATION AND DE-CALS. No decals or vessel registration, whether original issues or duplicates, shall be issued or furnished by the department unless the applicant therefor shall at the same time make satisfactory application for a certificate of title or shall present satisfactory evidence that such a certificate of title or valid marine document covering such vessel has been previously issued.

AMENDATORY SECTION (Amending Order 736–DOL, filed 11/18/83)

WAC 308-93-210 PROCEDURE WHEN DE-PARTMENT UNSATISFIED AS TO OWNERSHIP ((AND SECURITY INTERESTS)). If the department is not satisfied as to the ownership of the vessel ((or that there are no undisclosed security interests in it)), the department may register the vessel but shall either:

- (1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vessel ((and that there are no undisclosed security interests in it)); or
- (2) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one—half times the value of the vessel as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vessel or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the

certificate of title of the vessel or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vessel. Any such person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vessel is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-360 APPLICATION FOR TITLE REQUIRED. An application for certificate of title is required:

- (1) Whenever the ownership of a vessel changes;
- (2) When there is a legal change of name of the registered or legal owner of a vessel;
- (3) When there is a change of name of a business entity owning a vessel;
- (4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;
- (5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed:
- (6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;
- (7) Whenever the hull identification number is changed;
- (8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;
- (9) Whenever a vessel is to be registered for the first time as required by chapter 88.02 RCW, except for a vessel having a valid marine document as a vessel of the United States.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-450 SIGNATURE OF REGISTERED OWNER ON APPLICATION—EXCEPTIONS. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every name registered owner is required except:

- (1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vessel;
- (2) When authorized supportive documentation is used in lieu of the signature or signatures;
 - (3) When the legal owner applies for a duplicate title;
 - (4) When there is a change in the secured party;
- (5) When ((the legal)) ownership is transferred with an affidavit of repossession.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

WAC 308-93-620 HULL IDENTIFICATION NUMBER REQUIRED. No person shall operate a boat on the waters of this state for which registration and titling is required unless such boat has a hull identification number or application for such number has been made. Hull identification numbers must be ((carved, burned, stamped, embossed.)) clearly imprinted, or otherwise permanently affixed to the outboard side of the transom. or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover, or deface the hull identification number.

AMENDATORY SECTION (Amending Order TL/RG-1, filed 5/18/84)

WAC 308-93-650 TITLE PURPOSE ONLY. Nothing in ((Title-82)) chapter 88.02 RCW or chapter 308-93 WAC shall be construed to prevent any person entitled thereto from securing a certificate of title upon a vessel without securing a certificate of registration and vessel decal when, in the judgment of the director of licensing, it is proper to do so.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-260 STATE OR DIRECTOR NOT LIABLE FOR ACTS IN ADMINISTERING CHAPTER.

NEW SECTION

WAC 308-93-071 CLASS "A" AND CLASS "B" TITLES. From June 30, 1985 until June 30, 1990 there will be two classes of vessel titles: class "A" and class "R"

- (1) All vessel titles issued prior to June 30, 1985 are class "B" title certificates. Class B certificates show ownership of a vessel, but the vessel may be subject to a security interest not reflected on the title.
- (2) Class A title certificates will be issued to purchasers of new vessels with appropriate documentation, or to owners of used vessels who have undergone a UCC search and obtained appropriate releases to ensure that there are no existing liens or claims against the vessel.

NEW SECTION

WAC 308-93-077 UCC SEARCH—MULTIPLE LEGAL OWNERS. When an application for title is presented with the UCC filing search indicating one or two secured parties that have an interest in the vessel, the earliest filing date and time would be listed as the primary legal owner with the other listed as second legal owner. This application will be issued a class "A" title.

WSR 85-23-067 PROPOSED RULES DEPARTMENT OF GAME

(Game Commission)

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

Rep WAC 232-12-806 Operations and procedures. New WAC 232-12-807 Operations and procedures;

that the agency will at 9:00 a.m./8:00 a.m., Monday/ Tuesday, January 6-7, 1986, in the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 6 or 7, 1986.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 6, 1986.

Dated: November 20, 1985

By: Fred Hosea Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-807 Operations and procedures.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.04.020.

Summary of the Rule: Adopting new language describing operations of the department.

Reasons Supporting the Proposed Rule: This WAC is being updated to reflect current operations.

Agency Personnel Responsible for Drafting and Implementation: Fred Hosea, Deputy Director, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720; and Enforcement: Dave Schultz, Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: No comments.

This proposed rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

This proposed rule does not require a small business economic impact statement.

NEW SECTION

WAC 232-12-807 OPERATIONS AND PROCEDURES. The department of game is a public service agency whose statutory responsibility is to preserve, protect, and perpetuate all forms of wildlife in the state of Washington and to serve the public by providing the maximum amount of wildlife-oriented recreation consistent with sound biological management.

The state game commission consists of six members appointed by the governor. They serve a term of six years each. Terms are arranged so that appointments of two members expire every two years. By law, three commissioners are appointed from eastern Washington and three from western Washington. The game commission establishes regulations, sets overall policies to guide the department, and appoints the director of game. The director is responsible for all activities of the department of game and reports directly to the game commission.

Organization of the department of game is one of decentralized management. A deputy director and two assistant directors aid in the operation and administration of the department. The Olympia staff consists of seven division administrators who head up areas of program planning and coordination. Completing the staff is a planning section and a special assistant to the director for federal affairs.

The fisheries management division is responsible for research, program development, planning and coordination of management for all fish classified as game fish.

The wildlife management division is responsible for research, planning, program development, and coordination of management for all wildlife in the state other than fish. Major activities of this division relate to big game species, a variety of small game including birds, non-hunted wildlife, and management of wildlife areas.

Habitat management division is responsible for research, planning, program development and coordination for protection, restoration, and enhancement of wildlife and fish habitat areas through the use of environmental laws and public education. A major portion of this program is related to cooperative contractual agreements with other land managers and private landholders.

The enforcement division is responsible for planning, program development, and coordination of enforcement and wildlife control activities.

The engineering and lands division is responsible for engineering and design, construction, maintenance, surveying, land acquisition, and property management services. The division also prepares and implements the department's capital budget.

The management services division has responsibility for the budget development, accounting, federal aid coordination, payroll, printing, mailing, purchasing, vendor payments, warehouse services, safety, maintenance of archives, department's license management, and data processing.

The information and education division is responsible for planning and program development of the hunter education and safety training, Project WILD for school children, various publications, trapper training, interpretive displays, newsletters, news releases, and radio and television public service announcements.

The department of game has six administrative regions in the state; three on the eastside, three on the westside. Each region is administered by a regional supervisor who is responsible for all department programs within his assigned region. They are assisted by program managers for the key areas of enforcement, habitat, wildlife, and fisheries. Program implementation is carried out primarily by field agents and biological or production staff.

The game commission, through the public meeting process, establishes all rules and regulations that govern departmental activities. This includes establishment of hunting and fishing seasons; approval of land acquisitions or exchanges; coordination with other federal, state, county, or city programs; and adjudicates requests for license reinstatements when individual privileges have been revoked in accordance with RCW's.

The game commission holds four statutory meetings each year in January, April, July, and October, and other special meetings as necessary to conduct its business.

REPEALER

The following section of Washington Administrative Code is hereby repealed:

WAC 232-12-806 OPERATIONS AND PROCEDURES

WSR 85-23-068 PROPOSED RULES DEPARTMENT OF GAME

(Game Commission)
[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning 1986 Spring bear and turkey seasons, WAC 232-28-708:

that the agency will at 9:00 a.m./8:00 a.m., Monday/Tuesday, January 6-7, 1986, in the Westwater Inn, Evergreen Park Drive S.W., Olympia, Washington 98502, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 6 or 7, 1986.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 3, 1986.

By: Jack L. Smith, Administrator Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-708 1986 Spring bear and turkey seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Seasons will be established in the manner outlined in the 1985 seasons pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dave Schultz, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-708 1986 SPRING BEAR AND TURKEY SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1986 Spring bear and turkey seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-707 1985 SPRING BEAR AND TURKEY SEASONS

WSR 85-23-069 ADOPTED RULES PARKS AND RECREATION COMMISSION

[Order 90-Filed November 20, 1985]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Anacortes, Washington, that it does adopt the annexed rules relating to recreational and conference center housing fees charged, WAC 352-32-25001; and campsite and rally area reservations, WAC 352-32-25002.

This action is taken pursuant to Notice No. WSR 85-20-128 filed with the code reviser on October 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060(6) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 15, 1985. By Thomas M. Ryan Chairman

AMENDATORY SECTION (Amending Resolution No. 85, filed 11/19/84)

WAC 352-32-25001 RECREATIONAL AND CONFERENCE CENTER HOUSING FEES AND MEETING ROOM FEES CHARGED. (1) The following fees shall be charged per day for recreational and conference center housing at Fort Worden State Park:

(a) Renovated housing

| Noncommissioned officers' row buildings—#331 |
|--|
| and #332 (4 units, each with 2 bedrooms) \$ ((57)) 59/unit |
| Officers' row buildings—#5, #6, and #7 (6 units, each with 3.5 bedrooms) \$ ((93)) 95/unit |
| Officers' row buildings—#4 and #11 (4 units, each with 6 bedrooms) \$((152)) 157/unit |
| Charge for additional rollaway beds $\$((9.25))$ 9.50 per bed. |

(b) Nonrenovated housing

| Officers' row building—#9, #10 and #16 |
|--|
| (5 units, each with 3 bedrooms) \$ ((7+)) |
| <u>73</u> /unit |
| Officers' row buildings—#15 |
| (1 unit with 5 bedrooms)\$((111)) |
| <u>115</u> /unit |
| Charge for additional rollaway beds $\$((9.25))$ |

9.50 per bed.

A deposit equal to the cost of the first night's fee for each unit rented is required. A \$10.00 per unit cancellation fee is ((charged)) deducted from the deposit for any cancelled reservations, to cover processing costs. If the cancellation is made less than three weeks prior to the arrival date, the entire deposit is forfeited, unless the unit is rerented.

Standard meal charges (meals optional for abovelisted housing)

> Breakfast.....\$ 2.75 Lunch......\$ 3.25 Dinner.....\$ ((5.00)) <u>5.25</u> Total.....\$ ((11.00)) 11.25

> > Coffee service....\$10.00 minimum charge for any group of 20 or less. 50¢ per person for additional persons.

(c) Dormitory housing (for group reservations only—meals included)

| 1 - 2 days((20.00)) |
|---|
| 20.60/person/day |
| $3-13 \text{ days} \dots \sqrt{\$((18.35))}$ |
| 18.90/person/day |
| 14 or more days $\$((16.90))$ |
| 17.40/person/day |
| Dormitory linen and towel charge $((7.50))$ |
| <u>7.75</u> |
| Additional towel charges $\$$ (($\frac{.55}{.}$)) |
| <u>.60</u> |
| Additional towel set |

The parks and recreation commission has an agreement with the Centrum organization which provides for use of Fort Worden State Park dormitory facilities and services in conjunction with special group programs administered by Centrum. For further information, contact Centrum at Fort Worden State Park.

(d) Barracks-style housing (for group reservations only-meals included)

| 1 – 2 days | |
|-----------------|--------------------------|
| - | 18.90/person/day |
| 3 – 13 days | \$((16.90)) |
| · | 17.40/person/day |
| 14 or more days | \$((15.35)) |
| | 15.75/person/day |
| | |

All meals are served in the dining hall. Washington state sales tax is added to all charges.

- (2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between \$6.50 and \$33.00 for those residing in Fort Worden recreational housing, with increased charges for nonusers of recreational housing facilities. Additional cleaning fee is charged if food or beverages are consumed in the room. Theatre is available for performances—\$100.00 per day; for rehearsals—\$26.00 per night.
- (3) Groups or organizations of twenty-five or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may do so by contacting the park and completing and complying with procedures specified in the group booking agreement, available through the agency. Included in the provisions of the agreement are the following:

A deposit of \$100.00 per scheduled night for each dorm and ((a proportional amount for units of vacation housing)) \$100.00 per scheduled night for any combination of vacation housing rented, up to a combined maximum of \$((500.00))1000.00, is required to confirm reservations. The deposit is refundable if cancellation is made more than ((sixty)) ninety days in advance. Unrestricted partial cancellations of reserved housing facilities may be made up to sixty days in advance for dormitory facilities, or ((thirty days in advance)) for vacation housing; partial cancellations made following these dates incur certain minimum charges ((or penalties)) specified in the group booking agreement. The deposit will be credited against the final bill.

NEW SECTION

WAC 352-32-25002 CAMPSITE AND RALLY AREA RESERVATIONS—FORT WORDEN STATE PARK. (1) Advance individual campsite reservations will be available at Fort Worden State Park. They may be made throughout the year for no more than ten consecutive nights within the current and first succeeding calendar month, except that a continuous reservation may carry from the end of the first succeeding month into the beginning of the next succeeding month. Reservations may be made by mail, or in person, at Fort Worden State Park, and will require a completed application, the first night's camping fee and the nonrefundable reservation fee provided for in WAC 352-32-035. Tentative reservations may be made by telephone, but must be followed by a mailing containing the first night's camping fee, the reservation fee and completed application postmarked within five days of the tentative telephone reservation to become a confirmed reservation.

A refund of the first night's camping fee will be issued for any reservation which is not used, provided a cancellation request is made in person, by mail, or by telephone prior to 5:00 p.m. on the first day of the reservation. Campers will be declared no-show and, in addition to the nonrefundable reservation fee, will forfeit their reservation as well as the first night's camping fee if they have not cancelled and if the reservation is not claimed by 8:00 a.m. on the day after the confirmed arrival date.

(2) Advance reservations will be available for groups of self-contained recreational vehicles in the Fort Worden State Park rally area. The group must have a minimum of twenty-five recreational vehicles and may not exceed two hundred recreational vehicles. The nonrefundable reservation fee for the rally area will be \$2.00 per recreational vehicle, or \$100.00 total, whichever is greater. The rally area camping fee is \$4.00 per night. Rally area reservations may be made by contacting Fort Worden State Park.

WSR 85-23-070 PROPOSED RULES BOARD OF INDUSTRIAL INSURANCE APPEALS

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Industrial Insurance Appeals intends to adopt, amend, or repeal rules concerning rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-145 and 263-12-150;

that the agency will at 1:30 p.m., Wednesday, January 8, 1986, in the Auditorium, Office Building No. 2, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 51.52.020.

The specific statute these rules are intended to implement is chapter 314, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 2, 1986.

Dated: November 20, 1985 By: Phillip T. Bork Board Member

STATEMENT OF PURPOSE

The following is submitted in compliance with RCW 34.04.025, as amended by section 1, chapter 221, Laws of 1982, and RCW 34.04.045, as amended by section 2, chapter 221, Laws of 1982.

This statement accompanies a notice of intention to adopt, amend, or repeal rules relating to the rules of practice and procedure before the Board of Industrial Insurance Appeals now contained in chapter 263-12 WAC. Also enclosed in bill form are the substantive changes of the sections of chapter 263-12 WAC, which are to be amended.

The statutory authority for the rules is found in Title 51 RCW, and particularly the board's general procedural rule-making authority, contained in RCW 51.52.020.

These amendments are intended to implement chapter 314, Laws of 1985, which changed the method by which the filing of a petition for review with the board is perfected. An emergency rule incorporating this change was first filed on July 29, 1985, WSR 85-16-015, and refiled on October 23, 1985, WSR 85-21-081.

Although the board members are solely responsible for the proposing and drafting of the proposed rules and rule amendments, the following agency personnel are also charged with the implementation and enforcement of the rules of practice and procedure: The confidential secretary to the board members, the secretary of the board, the chief industrial appeals judge, the chief review judge, the assistant chief industrial appeals judges, and the industrial appeals judges responsible for conducting hearings. These persons are officed at the board's headquarters in Olympia, Capital Center Building, phone 753–6823, and in Seattle at the board's branch office, 83 King Street, phone 464–6550.

Other than is noted, the agency does not have additional comments or recommendations regarding statutory language, implementation, enforcement or fiscal matters pertaining to the rules.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-145 PETITION FOR REVIEW. (1) Time for filing. Within twenty days, or such further period as the board may allow on written application of a party, filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record, any party aggrieved thereby may file with the secretary of the board at Olympia, Washington, a written petition for review with copies thereof served on all other parties. The date such petition for review is ((received at)) placed in the mail or personally delivered to the board's offices in Olympia shall be the date upon which filing is perfected. In the event such petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically

set forth therein. A general objection to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. In order to facilitate preparation of such petition for review in sufficient detail, the board shall, on request of any party, serve upon said party a copy of the transcript of testimony and other proceedings at the hearing, provided that such party sign an acknowledgement that receipt thereof shall constitute compliance by the board, in the event of an appeal to superior court, with that portion of RCW 51.52.110 requiring service on said party of a certified copy of the testimony in industrial insurance cases

With respect to rulings concerning admission or exclusion of evidence, a general objection to all such rulings adverse to the party shall be considered adequate compliance with this rule.

(3) Action by board on petition for review. Within twenty days after receipt of a petition for review, the board shall enter an order either denying the petition for review, in which case the proposed decision and order shall become the final order of the board, or granting the petition for review, in which case the board shall within one hundred and eighty days from the date a petition for review is filed issue a final decision and order based upon its review of the record or any part thereof deemed necessary: PROVIDED, That if a petition for review is not acted upon by the board within twenty days from the date it is

filed, it shall be deemed to have been granted.

Any party may, within ten days of receipt of the board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed. In such instances, copies of the transcript of testimony and other proceedings at the hearing shall be furnished to any party requesting same, and this shall be deemed compliance with RCW 51.52.110 in industrial insurance cases.

After review of the record, the board may set aside the proposed decision and order and remand the appeal to the hearing process, with instructions to the industrial appeals judge to whom the appeal is assigned on remand, to schedule a further hearing for the purpose of presenting such evidence in addition to that contained in the record as the board deems necessary to decide the appeal fairly and equitably. In the exercise of this power, a physical or mental examination of a worker or victim of crime by medical experts or evaluation by an expert vocational consultant may be ordered to be conducted at the board's expense. Any evidence presented by the industrial appeals judge shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented, he must make application therefor immediately following the conclusion of such evidence. Such application will be granted by recessing the hearing to a time and place for taking such rebuttal evidence. Following the completion of the further hearing ordered by the board, the industrial appeals judge shall enter a proposed decision and order based upon the entire record.

If an objection is made to a ruling or rulings of an industrial appeals judge sustaining an objection to admissibility of evidence, or denying a recess for the presentation of further evidence, or denying a motion for a physical or mental examination or vocational evaluation of a worker or victim of crime, and the board determines that said ruling or rulings were erroneous, the board may return the case to the industrial appeals judge with appropriate instructions, and a further proposed decision and order shall be issued by the industrial appeals judge after the additional evidence shall have been received.

AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-150 FINALITY OF PROPOSED DECISIONS AND ORDERS. (1) Where no petition for review is filed. In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(2) Proposed decision and order deemed adopted without formal action. If an order adopting the proposed decision and order is not formally signed by the board on the day following the ((expiration of the time period for filing a)) date the petition for review of the proposed decision and order is due, said proposed decision and order shall be deemed adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(3) Order adopting proposed decision and order—delay in mailing to parties. To permit adequate time for postal delivery of petitions for review or requests for extension of time to file petitions for review which have been filed by mail pursuant to RCW 51.52.104, the board will delay the mailing of its order adopting the proposed decision and order to all parties until three days after the date the petition is due. Notwithstanding the date of mailing of the order adopting the proposed decision and order, such order shall be effective immediately following the last day permitted for filing a petition for review.

(4) Setting aside final order due to delayed postal delivery. If, after entry or mailing of the order adopting proposed decision and order, a petition for review or a request for extension of time to file a petition for review is received which bears evidence of mailing within the time permitted for filing such petition, the board will set aside the order adopting the proposed decision and order and consider the petition or

request for extension as one timely filed.

WSR 85-23-071 PROPOSED RULES SPOKANE COMMUNITY COLLEGES

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Washington Community College District 17 intends to adopt, amend, or repeal rules concerning board of trustees;

that the institution will at 1:30 p.m., Tuesday, January 21, 1986, in the Board Room, North 2000 Greene Street, Spokane, WA 99207, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

The specific statute these rules are intended to implement is RCW 42.17.250.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 13, 1985.

Dated: November 12, 1985 By: C. Nelson Grote Chief Executive Officer

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.50.140. Adopt chapter 132Q-01 WAC, Board of trustees.

The purpose of adopting chapter 132Q-01 WAC is to comply with statutory regulations regarding the operation of the board of trustees.

Statutory Authority: RCW 28B.50.140.

Person Responsible for the Drafting, Implementation and Enforcement of this Rule: Dr. C. Nelson Grote, Chief Executive Officer, Washington Community College District 17, North 2000 Greene Street, Spokane, WA 99207.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decisions.

CHAPTER 132Q-01 BOARD OF TRUSTEES

WAC 132Q-01-005 Board of Trustees 132Q-01-010 Bylaws of the Board of Trustees 132Q-01-030 Regular Meetings of the Board of Trustees 132Q-01-040 Gffice of the Board of Trustees Correspondence for the Board of Trustees

NEW SECTION

WAC 132Q-01-005 BOARD OF TRUSTEES. The Washington Community College District 17 Board of Trustees (Community Colleges of Spokane), is charged with the responsibility of Washington Community College District 17. The authority is vested in the board, not in its individual board members. To assist the board in carrying out its responsibilities, it employs a president of the district and delegates to him the responsibility for administering the district under policies approved by the board.

Policies of the board of trustees are found in the records of board action, in the Board of Trustees Policy Manual and, if required by RCW 28B.19, in the Washington Administrative Code.

NEW SECTION

WAC 132Q-01-010 BYLAWS OF THE BOARD OF TRUST-EES. The Bylaws of the Board of Trustees of Washington Community College District 17 are contained in Chapter 1 of the Board Policy Manual.

NEW SECTION

WAC 132Q-01-020 REGULAR MEETINGS OF THE BOARD OF TRUSTEES. The Board of Trustees of Washington Community College District 17 (Community Colleges of Spokane) shall hold regular monthly meetings according to a schedule including place, time and date filed with the Washington state code reviser on or before January 1 of each year for publication in the Washington State Register. Notice of any change from such meeting schedule shall be published in the Washington State Register at least twenty days prior to the rescheduled meeting date.

Information about specific meeting places and times may be obtained from the office of the board.

NEW SECTION

WAC 132Q-01-030 SPECIAL MEETINGS OF THE BOARD OF TRUSTEES. Special meetings of the Board of Trustees may be called by the chairperson of the board or by a majority of the members of the board by written notice delivered by mail or by person to cach member at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-fours hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file a written request to be notified of such special meetings or of all meetings of the board.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132Q-01-040 OFFICE OF THE BOARD OF TRUST-EES. The Board of Trustees shall maintain an office at North 2000 Greene Street, Spokane, Washington, 99207, where all regular meetings shall be held unless otherwise announced, and all records, minutes and the official district seal shall be kept. This office shall be open during all normal working hours.

NEW SECTION

WAC 132Q-01-050 CORRESPONDENCE FOR THE BOARD OF TRUSTEES. Correspondence or other business for the Board of Trustees shall be sent to the secretary of the board at the office of the board.

WSR 85-23-072 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

Amd WAC 458-20-114 Nonbusiness income—Bona fide initiation fees, dues, contributions, tuition fees and endowment funds.

Amd WAC 458-20-169 Religious, charitable, benevolent, nonprofit service organizations, and sheltered workshops.

Amd WAC 458-20-244 Food products.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 31, 1985.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapter 135, Laws of 1985 (HB 1009), amending RCW 82.04.170; and chapter 104, Laws of 1985, amending RCW 82.08.0293 and 82.12.0293.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 27, 1985.

Dated: November 20, 1985

By: Matthew J. Coyle

Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-114 Nonbusiness income—Bona fide initiation fees, dues, contributions, tuition fees and endowment funds.

Description of Purpose: To implement the provisions of chapter 135, Laws of 1985 (HB 1009) which amended RCW 82.04.170 by defining the term, "educational institution" which may deduct "tuition fees" from the measure of business and occupation tax, to include degree granting institutions accredited by a federally recognized accrediting association.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Chapter 135, Laws of 1985 (HB 1009), amending RCW 82.04.170.

Reasons Supporting Proposed Action: The business tax deduction for tuition fees has been administratively provided to accredited colleges and universities. HB 1009 expressly includes this deduction in statutory law to conform with historical administrative application. The rule is being amended to clarify this deduction.

Title: WAC 458-20-169 Religious, charitable, benevolent, nonprofit service organizations, and sheltered workshops.

Description of Purpose: Chapter 104, Laws of 1985 (HB 183) amended existing statutory law to provide retail sales tax and use tax exemptions for prepared meals provided by nonprofit organizations to certain classes of persons. Rules 169 and 244 require amendment to include these exemptions.

Statutory Authority: RCW 82.32.300.

Specific Statute Rules are Intended to Implement: Chapter 104, Laws of 1985, amending RCW 82.08.0293 and 82.12.0293.

Reasons Supporting Proposed Action: Rules 169 and 244 pertain, respectively, to nonprofit charitable organizations and food products. They are being amended simply to incorporate the new sales and use tax exemptions for prepared meals served to specified classes of persons.

Title: WAC 458-20-244 Food products.

Description of Purpose: Chapter 104, Laws of 1985 (HB 183) amended existing statutory law to provide retail sales tax and use tax exemptions for prepared meals provided by nonprofit organizations to certain classes of persons. Rules 169 and 244 require amendment to include these exemptions.

Statutory Authority: RCW 82.32.300.

Specific Statutes Rules are Intended to Implement: Chapter 104, Laws of 1985, amending RCW 82.08.0293 and 82.12.0293.

Reasons Supporting Proposed Action: Rules 169 and 244 pertain, respectively, to nonprofit charitable organizations and food products. They are being amended simply to incorporate the new sales and use tax exemptions for prepared meals served to specified classes of persons.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order 84-1, filed 3/27/84)

WAC 458-20-114 NONBUSINESS INCOME—BONA FIDE INITIATION FEES, DUES, CONTRIBUTIONS, TUITION FEES AND ENDOWMENT FUNDS. RCW 82.04.4282 provides for a business and occupation tax deduction for amounts derived from activities and charges of essentially a nonbusiness nature. Thus, outright gifts, donations, contributions, endowments, tuition, and initiation fees and dues which do not entitle the payor to receive any significant goods or services in return for the payment are not subject to business and occupation tax. The scope of this statutory deduction is limited to situations where no business or proprietary activity (including the rendering of goods or services) is engaged in which directly generates the income claimed for deduction.

Many for-profit or nonprofit entities may receive "amounts derived," as defined in this rule, which consist of mixture of tax deductible amounts (bona fide initiation fees and dues) and taxable amounts (payment for significant goods and services rendered). For purposes of distinguishing between these kinds of income, the law requires that tax exemption provisions must be strictly construed against the person claiming exemption. Also, RCW 82.32.070 requires the maintenance of suitable records as may be necessary to determine the amount of any tax due. The result of these legal requirements is that all persons must keep adequate records sufficient to establish their entitlement to any claimed tax exemption or deduction.

CONTRIBUTIONS, DONATIONS, AND ENDOWMENTS.

Only amounts which are received as outright gifts are entitled to deduction. Any amounts, however designated, which are received in return for any goods, services, or business benefits are subject to business and occupation tax under the appropriate classification depending upon the nature of the goods, services, or benefits provided. Thus, for example, so-called "grants" which are received in return for the preparation of studies, white papers, reports, and the like do not constitute

deductible contributions, donations, or endowments. RCW 82.04.4297 and WAC 458-20-169 provide for a specific deduction for compensation from public entities for health or social welfare services.

BONA FIDE INITIATION FEES AND DUES.

The law does not contemplate that the deduction should be granted merely because the payments required to be made by members or customers are designated as "initiation fees" or "dues." The statutory deduction is not available for outright sales of tangible personal property or for providing facilities or services for a specific charge. Neither is it available ". . . if dues are in exchange for any significant amounts of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered . . ." (RCW 82.04-4282). Thus, it is only those initiation fees and dues which are paid for the express privilege of belonging as a member of a club, organization, or society, which are deductible.

Also, the statute does not distinguish between the kinds of clubs, organizations, associations, or other entities which may be eligible for this deduction. They may be operated for profit or nonprofit. They may be owned by the members, incorporated, or operating as a partnership, joint venture, sole proprietorship, or cooperative group. They may be of a charitable, fraternal, social, political, benevolent, commercial, or other nature. However, none of these characteristics determines the entitlement to tax deduction. The availability of the deduction is determined solely by the nature of the activity or charge which generates the "amounts derived" as defined in this rule.

The deduction is limited to business and occupation tax. There is no provision under the law for any deduction from retail sales tax or use tax of amounts designated as initiation fees or dues. Consequently, any club or organization that collects dues or initiation fees from members who in turn receive tangible personal property or retail services as defined in RCW 82.04.050, or licenses to use real property as defined in RCW 82.04.050, must collect and report retail sales tax on the value of such goods or services sold. (See WAC 458-20-183, Places of amusement or recreation, and WAC 458-20-166, Hotels, motels, boarding houses, resorts, summer camps, trailer camps, etc., for additional guidance relative to retail sales and retail services.)

DEFINITIONS:

The words and terms utilized in RCW 82.04.4282 are not given a statutory definition in the Revenue Act. Under the general rules of statutory construction, those words and terms are to be given their ordinary and common meaning. Hence, for purposes of RCW 82.04.4282 and this rule the following definitions will apply:

"Amounts derived" means gross income from whatever source and however designated. It includes "gross proceeds of sales" and "gross income of the business" as those terms are defined by RCW 82.04.070 and 82.04.080, respectively. It shall also include income attributable to bona fide initiation fees and bona fide dues.

"Bona fide" shall have its common dictionary meaning, i.e., in good faith, authentic, genuine.

"Initiation fees" are those initial amounts which are paid solely to admit a person as a member to a club or organization. "Bona fide initiation fees" within the context of this rule shall include only those one-time amounts paid which genuinely represent the value of membership in a club or similar organization. It shall not include any amount paid for or attributable to the privilege of receiving any goods or services other than mere nominal membership.

"Dues" are those amounts paid solely for the privilege or right of retaining membership in a club or similar organization. "Bona fide dues" within the context of this rule shall include only those amounts periodically paid by members which genuinely entitle those persons to continued membership in the club or similar organization. It shall not include any amounts paid for goods or services rendered to the member by the club or similar organization.

"Significant amount" relates to the quantity or degree of goods or services rendered and made available to members by the organization. "Significant" is defined as having important meaning or the quality of being important.

"Goods or services rendered" shall include those amusement and recreation activities as defined in RCW 82.04.050, WAC 458-20-166, and 458-20-183. The term shall include the totality or aggregate of goods or services available to members. It is not determinative that some members actually receive more goods or actually enjoy more services than others so long as the totality of the goods or services offered are made available to members in general.

"Any additional charge" means a price or payment other than bona fide initiation fees or dues, paid by persons for particular goods and services received. The additional charge must be reasonable and any business and/or sales taxes must be paid upon such charges in order to qualify other income denominated as "dues" to be deductible. The reasonableness of any additional charge will be based on one of the following two criteria: (1) It must cover all costs reasonably related to furnishing the goods or services, or (2) it must compare with charges made for similar goods or services by other commercial businesses.

"Value of such goods or services" shall mean the market value of

similar goods or services or computed value based on costs of

production.

METHODS OF REPORTING:

Persons who receive any "amounts derived" from initiations fees and/or dues may report their tax liabilities and determine the amount of tax reportable under different classifications (Retailing or Service) by use of alternative methods, based upon:

- A standard deduction of 20 percent of gross income (This method is available for use only by not-for-profit organizations); or.
- 2. Actual records of facilities usage; or,
- 3. Cost of production of facilities and benefits.

All amounts derived from initiation fees and dues must be reported as gross income which then must be apportioned between taxable and deductible income. The alternative apportionment methods are mutually exclusive. Thus, if a qualifying organization elects to use the

standard deduction, neither of the other methods may be used. Organizations which cannot qualify to take the standard deduction, or which elect not to do so, may apportion their income based upon such actual records of facilities usage as are maintained. This method is accom-

- a) The allocation of a reasonable charge for the specific goods or services rendered: PROVIDED, That in no case shall any allocation of any separate charge for any goods or services be deemed "reasonable" if the aggregate of such charges is insufficient to cover the costs of providing such goods or services; or,
- b) The average comparable charges for such goods or services made by other commercial businesses.

The actual records of facilities usage method must reflect the nature of the goods or services and the frequency of use by the membership, either from an actual tally of times used or a periodic study of the average membership use of facilities. Actual usage reporting may also be based upon a graduated or sliding fees and dues structure. For example, an organization may charge different initiation fees or dues rates for a social membership than for a playing membership. The difference between such rates is attributable to the value of the goods or services rendered. It constitutes the taxable portion of the "amounts derived" allocable to that particular activity. Because of the broad diversification of methods by which "amounts derived" may be assessed or charged to members, the actual records of usage method of reporting may vary from organization to organization. The following are some examples of this reporting method for several different kinds of facilities.

| Facility | Period | Source | Value Base | Usage | V | alue | Taxable Income |
|-------------|--------|----------------------------|----------------------------|---------------------|-------|-------------------|-------------------|
| | | | | | | | |
| Golf | 3 mos | Reservations | Mkt Comparison | 5,000 rounds | | 7.50 per ound | \$37,500 |
| Camping | 6 mos | Vacancy Study | Mkt Comparison | 4,500 stays | | 2.50 per | \$56,250 |
| Racquetball | 9 mos | Reservations | Charge to Nonmember | 1,250 hours | | l.00 per our | \$5,000 |
| Swimming | 12 mos | Member Survey | Actual Charges | 3,650 uses | | .00 per | \$3,650 |
| Tennis | 1 mo | Graduated Fee Structure | Graduated Fee Structure | 200 playing members | x \$5 | 0.00 per ember | \$10,000 |

^{*}Figures and dollar amounts shown are hypothetical.

Organizations which provide more than one kind of "goods or services" as defined in this rule, may provide such actual records for each separate kind of goods or services rendered. Based upon this method the total of apportioned "taxable" income may be subtracted from total gross income to derive the amount of gross income which is entitled to deduction as "bona fide initiation fees and dues" under RCW 82.04.4282.

COST OF PRODUCTION METHOD.

This alternative apportionment method is available only for persons who do not take the standard deduction and when, it is impossible or unfeasible to maintain actual usage records. Under such circumstances apportionment of income may be done based upon the cost of production of goods or services rendered. Persons using this method are advised to seek the department's review of the cost accounting methods applied, in order to avoid possible tax deficiency assessment if records are audited. In such cases the cost of production shall include all items of expense attributable to the particular facility (goods or services) made available to members, including direct and indirect overhead costs.

Direct overhead costs include all items of expense immediately associated with the specific goods or services for which the costs of production method is used, e.g., the salary of a swimming pool lifeguard or a golf club's greenskeeper.

Indirect overhead costs include a pro rata share of total operating costs, including executive and employee salaries as well as a pro rata

share of administrative expense and the cost of depreciable capital assets.

No portion of assets which have been fully depreciated will be included in computing overhead costs, nor will there be included any costs attributable to membership recruitment and advertising, or providing members with the indicia of membership (membership cards, certificates, contracts of rights, etc.).

The cost of production method is performed by multiplying gross income (all "amounts derived") by a fraction, the numerator of which is the cost of providing any specific goods or service, and the denominator of which is the organization's total operating costs. The formula looks like this:

Direct and Indirect Costs of Specific Goods or Service

...... x Gross Income

Total Business Costs

The result is the portion of "amounts derived" which is allocable to the taxable facility (goods or services rendered.) The balance of gross amounts derived is deductible as bona fide initiation fees or dues. If more than one kind of facility (goods or services) is made available to members, this formula must be applied for each in order to determine the total of taxable and deductible amounts and to determine the amount of taxable income to report as either retailing taxable or service taxable.

Under very unique circumstances and only upon advance written request and approval, the department will consider variations of the foregoing accounting methods as well as additional factors shown to be unique to certain kinds of organizations.

Unless income accounting and reporting are accomplished by one or a combination of methods outlined in this rule, or under a unique reporting method authorized in advance by the department, it will be presumed that all "amounts derived" by any person who provides "goods or services" as defined herein, constitute taxable, nondeductible amounts.

TAX CLASSIFICATIONS.

Persons who derive income from initiation fees and dues may find that they have incurred business and occupation tax liability under both the retailing and service and other activities classifications. For example, an organization may furnish golf as well as sauna bath facilities to its members in return for payment of dues. The former is a retailing taxable activity while the latter is taxable under the service business tax. These taxes are at different rates. Once the income has been apportioned between taxable and deductible amounts, the parts of taxable income attributable to either retailing activities or service activities must be reported on the excise tax return under the appropriate classification and under the prevailing tax rates. In addition, state and local retail sales taxes measured by the retailing portions must be separately collected from dues paying members, reported, and remitted with the same excise tax return. (See WAC 458-20-183, 458-20-166, and RCW 82.04.050 for further guidance in distinguishing between retailing and service activities for excise tax purposes.)

NONPROFIT YOUTH ORGANIZATIONS.

Nonprofit youth organizations which, as such, are exempt from property tax under RCW 84.36.030 may deduct fees or dues received from members even though the members are entitled to use the organization's facilities, including camping and recreational facilities, in return for such payments. (See RCW 82.04.4271.)

TUITION FEES.

The term "tuition fees" refers ((only)) to fees charged by educational institutions, and, in addition to instruction fees, includes library, laboratory, health and other special fees and amounts charged for room and board when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institutions.

"Educational institutions" which may deduct "tuition fees" are those which have been created or generally accredited as such by the state or defined as a degree granting institution under RCW 28B.05.030(1) *and accredited by an accrediting association recognized by the United States secretary of education, and which offer to students an educational program of a general academic nature and those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, other trade schools or similar institutions. *"Degree granting institution" shall mean an educational institution, which offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree or certificate beyond the secondary level.

A business college, dancing school, music school or specialty school is not an "educational institution" within the meaning of that term as defined above. Tuition fees collected by such institutions are taxable under the service and other business activities classification of the business and occupation tax.

The right to deduct bona fide initiation fees, dues, contributions, donations, tuition fees and endowment funds does not exempt any person, association or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. However, agencies or institutions of the state of Washington, such as the University of Washington and community colleges are exempt from payment of the business and occupation tax.

Revised March 27, 1984.

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-169 RELIGIOUS, CHARITABLE, BENEVO-LENT, NONPROFIT SERVICE ORGANIZATIONS, AND SHELTERED WORKSHOPS. Religious, charitable, benevolent, and nonprofit service organizations are subject to the excise taxes imposed by the Revenue Act of 1935 with the following exceptions only:

Religious, charitable, benevolent, and nonprofit service organizations serving meals for fund raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, unless such meals are served more frequently than once every two weeks. Religious, charitable, benevolent, and nonprofit service organizations conducting bazaars or rummage sales who are not generally engaged in the business of making sales at retail are not required to collect the retail sales tax nor pay the business and occupation tax where such bazaars or rummage sales are conducted no more than twice per year and do not extend over a period of more than two days each, if the gross receipts from each such bazaar or rummage sale is \$1,000 or less. Similarly, when such organizations make retail sales in the course of annual fund raising drives, or make such sales through concessions operated intermittently and for short periods of time for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted

Neither the retail sales tax nor the use tax applies to prepared meals provided to senior citizens, disabled persons, or low-income persons by not-for-profit organizations organized under chapter 24.03 or 24.12 RCW

However, in every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in published WAC 458-20-102.

SHELTERED WORKSHOPS. The gross income received by nonprofit organizations from the operation of "sheltered workshops" is exempt from the business and occupation tax. "Sheltered workshops" is defined by the law to mean "rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals."

HEALTH OR SOCIAL WELFARE SERVICES. In computing business tax there may be deducted amounts received from the United States or any instrumentally thereof or from the state of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization or by a municipal corporation or political subdivision.

The term "health or social welfare organization" means an organization which renders health or social welfare services as defined below, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee or the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

- (a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;
- (b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state:
- (c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption:
- (d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;
- (e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;
- (f) Services must be available regardless of race, color, national origin, or ancestry; and

- (g) The director of revenue shall have access to its books in order to determine whether the corporation is entitled to this exemption.
- The term "health or social welfare services" includes and is limited to:
 - (a) Mental health, drug, or alcoholism counseling or treatment;
 - (b) Family counseling;
 - (c) Health care services;
- (d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;
- (e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;
 - (f) Care of orphans or foster children;
 - (g) Day care of children;
 - (h) Employment development, training, and placement; and
 - (i) Legal services to the indigent.

AMENDATORY SECTION (Amending Order ET 83-6, filed 8/23/83)

WAC 458-20-244 FOOD PRODUCTS. RCW 82.08.0293 and 82.12.0293 exempt certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1983. The word "tax" as used hereafter in this rule means retail sales tax. "Food products" include generally those products normally ingested by humans for nourishment; but the term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

(a) The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (PL 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

OR,

(b) The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

ΛR

(c) The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the admission charge does not negate the exemption, the tax will apply if either circumstances (a) or (b) above are present.

VENDORS WHO ARE REQUIRED TO COLLECT TAX

(1) Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws, or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go"

and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food. In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators are not required to collect the tax from buyers or to separately state the tax.

(2) Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission—charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph (1).

EXEMPT AND TAXABLE SALES BY GROCERS

The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive.

The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph (1) above.

EXEMPT IF CONSUMPTION FACILITIES NOT PROVIDED

Baby foods Marshmallows
Bakery products Mayonnaise
Baking soda Meat, meat products
Bouillon cubes Milk, milk products
Candy Mustard
Cereal products Noncarbonated soft drinks
Chocolate Nuts
Cocoa Oleomargarine
Coffee and coffee substitutes Olives, olive oil

Olives, olive oil Condiments Peanut butter Crackers Popcorn *Diet food **Popsicles** Eggs, egg products Extracts and flavoring for food Potato chips Powdered drink mixes Fish, fish products Sandwich spreads Flour Sauces Food coloring Sherbet

Frozen foods Shortening
Fruit, fruit products Soup
Gelatin Sugar, sugar products,
*Health foods sugar substitutes

Honey Syrups Ice cream, toppings Tea

Jam, jelly, jello Vegetables, vegetable products Yeast

The products listed as taxable are subject to tax however sold or prepared.

SPECIFIC CLASSES OF ITEMS TAXABLE IN ALI. CASES

Alcoholic beverages
Aspirin
Beer or wine making supplies
Calcium tablets
Carbonated beverages
Chewing tobacco
Cod liver oil

Cough medicines (liquid or lozenge)

*Dietary supplements or adjuncts

First aid products Ice, bottled Water (mineral or otherwise) Mouthwashes

Nonedible cake decorations
Nonprescription medicines
Patent medicines
Pet food and supplies

Seeds and plants for gardens Tonics, vitamins Toothpaste

* Note: Sales of dietary supplements which are subject to regulation by the United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than fifty percent

of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter 1, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products.

Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.

COMBINATION BUSINESS

Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph (1), "Vendors who are required to collect tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their accounting records and sales receipts segregated between the two businesses. If the two businesses are commingled in accounting, all sales will be deemed subject to tax.

COMBINATION PACKAGES

When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS

Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

OTHER FOOD VENDORS

- (1) Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see WAC 458-20-119.
- (2) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.
- (3) Religious, charitable, benevolent, and nonprofit service organizations, see WAC 458-20-169.
- (4) Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:
- (a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.
- (b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.
- (c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.
- (d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by WAC 458-20-166.

Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by WAC 458-20-119. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.

USE TAX

All of the foregoing provisions of this rule dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW. Effective July 1, 1983.

WSR 85-23-073 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

Amd WAC 458-20-107 Selling price, gross proceeds of sales, trade-ins, warranties.

Amd WAC 458-20-119 Sales of meals;

that the agency will at 9:00 a.m., Tuesday, December 31, 1985, in the Revenue Conference Room, 415 General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 7, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapter 38, Laws of 1985, amending RCW 82.08.010(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 31, 1985.

Dated: November 20, 1985

By: Matthew J. Coyle

Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-107 Advertised prices including sales tax—Warranties, maintenance agreements, service contracts.

Description of Purpose: To implement chapter 38, Laws of 1985 (EHB 601) which allows retail sellers to advertise selling prices of goods and services at a price inclusive of retail sales tax under prescribed conditions. To clarify the business and occupation tax classification applicable to income from selling warranty agreements, maintenance agreements, and service contracts together with or separate from sales of the property covered by such agreements.

Reasons Supporting Proposed Action: The provisions of Rule 107, which formerly dealt with the term "selling price" and explained retailers' tax measures, have been incorporated in WAC 458-20-247. Rule 107, is now proposed for use in explaining the statutory conditions under which retail sellers may advertise prices including retail sales tax while protecting the rights of retail buyers. This rule also deals with the taxability of income from selling warranties, maintenance agreements, and service agreements, which requires administrative clarification.

Title: WAC 458-20-119 Sales of meals.

Description of Purpose: To implement chapter 38, Laws of 1985 (EHB 601) which allows retail sellers to advertise selling prices of goods and services at a price inclusive of retail sales tax under prescribed conditions. to explain such conditions, and to provide tax guidance to sellers of certain items commonly advertised at tax included prices, viz: meals, fast food, etc.

Reasons Supporting Proposed Action: Rule 119 presently contains provisions pertaining to retail selling prices which are allowed to include retail sales tax under unique circumstances, and which must be amended to provide for the statutory permission to advertise retail prices inclusive of tax under prescribed conditions.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Chapter 38, Laws of 1985, amending RCW 82.08.010(1).

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-107 ((SELLING PRICE, GROSS PROCEEDS OF SALES, TRADE-INS, WARRANTIES:)) ADVERTISED PRICES INCLUDING SALES TAX—WARRANTIES, MAINTE-NANCE AGREEMENTS, SERVICE CONTRACTS. ((*The term 'selling price' means the consideration, whether money, credits, rights, or other property, expressed in the terms of money, paid or delivered by a buyer to a seller, all without any deduction, on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expenses whatsoever paid or accrued and without any deduction on account of losses." (RCW 82.08.010.)

"The term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property . . . without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." (RCW 82.04.070.)

When tangible personal property is rented or leased, the "selling price" includes all charges to the renter or lessee for the use of the property rented or leased, including charges designated as insurance, interest and other costs recovered stated separately from the regular rental fee. When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" must be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character: In cases of doubt, all of the pertinent facts should be submitted to the department of revenue for an advisory determination.

The terms "selling price" and "gross proceeds of sales" include items of cost which are the direct obligation of the seller but which he may invoice separately to his customer. Examples of such costs are the cost of the contractor's performance bond, the cost of city or state business and occupation taxes or public utility taxes, the cost of insurance protecting the seller and the cost of freight in. The selling price can be payable in money or otherwise. If it is payable in whole or in part in property, each party is a seller of the property he is to transfer.

TRADE-INS. The selling price or gross proceeds of sales includes the full consideration whether in money or property or both expressed in terms of money. If traded-in property is subsequently resold at retail, the retail sales tax must be collected on the selling price thereof and the amount of such selling price must be reported by the seller as gross proceeds of sales.

To illustrate: An automobile is sold at retail for \$1,000.00: The purchaser pays \$600.00 in cash and is allowed \$400.00 as the trade-in value of a used automobile. The selling price, upon which the sales tax must be collected and the amount to be reported as gross proceeds of sales, is \$1,000.00. If the automobile traded in is later sold for \$500.00 the sales tax must be collected on such selling price, and the amount of such selling price must be reported as gross proceeds of sales.

In some industries it is customary to quote the purchaser an "exchange" price, i.e., a reduced price quoted in the expectation that the purchaser will trade in, or "exchange" a used article of the same type. In such case the selling price is the exchange price plus the value of the

WARRANTY OR SERVICE CONTRACTS. When a warranty or service contract is sold along with a sale of tangible personal property the entire charge is taxable as gross proceeds from the sale of tangible personal property. However, the sale of a warranty or service contract by itself is a transaction subject to business tax under the service classification upon gross income therefrom. A person performing repair work pursuant to a warranty or service contract is taxable as a retailer or wholesaler upon amounts received for performance of such work, including amounts received from another who may have sold the warranty or service contract and amounts received from the owner of the property. If the repairman himself issued the warranty or service contract, he is taxable as a retailer or wholesaler upon any additional amounts received at the time repair work is done. The sale of a maintenance contract which calls for regular or periodic maintenance, repair, or adjustment of tangible personal property is taxable as a retail or wholesale sale, as the case may be.)) Under the provisions of RCW 82.08.020 the retail sales tax is to be collected and paid upon retail sales, measured by the "selling price.

The term "'Selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; . . ." (See RCW 82.08.010(1)).

Concerning the tax liabilities and benefits in connection with "trade—

in transactions, see WAC 458-20-247.

RCW 82.08.050 specifically requires that the retail sales tax must be stated separately from the selling price on any sales invoice or other instrument of sale, i.e., contracts, sales slips, and customer billing receipts. (For an exception covering restaurant receipts of Class H liquor licensees, see WAC 458-20-119.) This is required even though the seller and buyer may know and agree that the price quoted is to include state and local taxes, including the retail sales tax. The law creates a "conclusive presumption" that, for purposes of collecting the tax and remitting it to the state, the selling price quoted does not include the retail sales tax. This presumption is not overcome or rebutted by any written or oral agreement between seller and buyer. However, selling prices may be advertised as including the tax or that the seller is paying the tax and, in such cases, the advertised price shall not be considered to be the taxable selling price under certain prescribed conditions explained in this rule. Even when prices are advertised as including the sales tax, the actual sales invoices, receipts, contracts, or billing documents must list the retail sales tax as a separate charge. Failure to comply with this requirement may result in the retail sales tax due and payable to the state being computed on the gross amount charged even if it is claimed to already include all taxes due.

ADVERTISING PRICES INCLUDING TAX

The law provides that a seller may advertise prices as including the sales tax or that the seller is paying the sales tax under the following

(1) The words "tax included" are stated immediately following the advertised price in print size at least half as large as the advertised price print size, unless the advertised price is one in a listed series;

(2) When advertised prices are listed in series, the words "tax included in all prices" are placed conspicuously at the head of the list in the same print size as the list;

(3) If the price is advertised as including tax, the price listed on any price tag shall be shown in the same way; and

(4) All advertised prices and the words "tax included" are stated in the same medium, whether oral or visual, and if oral, in substantially the same inflection and volume.

If these conditions are satisfied, as applicable, then price lists, reader boards, menus, and other price information mediums need not reflect the item price and separately show the actual amount of sales tax being collected on any or all items.

The scope and intent of the foregoing is that buyers have the right to know whether retail sales tax is being included in advertised prices or not and that the tax is not to be used for the competitive advantage or disadvantage of retail sellers.

WARRANTIES, MAINTENANCE AGREEMENTS, AND SERVICE CONTRACTS

For purposes of this rule, the following definitions apply:

Warranties, sometimes referred to as guarantees, are agreements which call for the replacement or repair of tangible personal property with no additional charge for parts or labor, or both, based upon the happening of some unforeseen occurrence, e.g., the property breaks down.

Maintenance agreements, sometimes referred to as service contracts, are agreements which require the specific performance of repairing, cleaning, altering, or improving of tangible personal property on a regular or periodic basis to ensure its continued satisfactory operation.

Manufacturer's warranties are generally included within the retail selling price of the property and no additional charge is made. However, when any additional charge is made for any warranty protecting tangible personal property sold, additional tax liability is incurred depending on how the warranty is sold. If it is sold by the retail seller of the property protected by the warranty and concomitant with the sale of that property, the entire charge, including the charge for the warranty, is subject to retailing business tax and retail sales tax. This is so even though the warranty charge may be separately billed or separately itemized on any billing. Such warranty sales are deemed to be "for labor and services rendered in respect to . . . installing, repairing, cleaning, altering, imprinting, or improving tangible personal property of or for consumers . . " and therefor they are "retail sales" under RCW 82.04.050.

Warranties which are sold by any person who was not the seller of the property protected by the warranty or which are purchased subsequent to and distinct from the original warranty purchased concomitant with the property, are deemed to be services rather than retail sales. Charges for such warranties are subject to the service business tax and are not subject to retail sales tax.

MAINTENANCE AGREEMENTS

Maintenance agreements and service contracts require the periodic specific performance of inspecting, cleaning, physical servicing, altering, and/or improving of tangible personal property. Therefor, charges for contracts or agreements of this nature are retail sales, subject to retailing business tax and retail sales tax under all circumstances.

In the cases of both warranties and maintenance agreements, any actual additional charge made to the consumer because of the providing of materials or the performance of actual labor pursuant to such agreements is separately taxable under the retailing business tax and retail sales tax. This includes so-called "deductible" amounts not covered by the warranty or service agreement.

Moreover, if an agreement contains warranty provisions but also requires the actual specific performance of inspection, cleaning, servicing, altering, or improving the property on a regular or periodic basis, without regard to the operating condition of the property, such agreements are fully taxed as service agreements, not warranties.

AMENDATORY SECTION (Amending Order ET 82-7, filed 7/30/82)

WAC 458-20-119 SALES OF MEALS.

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANS-PORTATION COMPANY DINERS. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

- (1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.
- (2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.
- (3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition

thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools. high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales.

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

((SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington state liquor control board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.))

SALES OF MEALS, BEVERAGES, AND FOOD AT PRICES INCLUDING SALES TAX. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products) and WAC 458-20-107 (Advertised prices including sales tax-Warranties, maintenance agreements, service contracts). Effective on April 15, 1985 the former special provisions of this rule applicable to restaurants, taverns, concessionaires, and sellers of alcoholic beverages, which sell at prices including sales tax were superseded by the provisions of WAC 458-20-107

CLASS H LICENSE LOCATIONS. When an operator elects ((pursuant to the foregoing.)) to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method for drinks must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals which include tax and food totals which do not include tax must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

Effective May 1, 1982.

WSR 85-23-074 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY DEVELOPMENT

[Memorandum-November 18, 1985]

The Washington State Department of Community Development (DCD) will hold a public hearing on a proposed 1986 Department of Energy (DOE) weatherization assistance program state plan.

The hearing will be held on Tuesday, January 7, 1986, in the DCD Fifth Floor Conference Room, Ninth and Columbia Building, Fifth Floor, Olympia, Washington. The hearing will begin promptly at 10:00 a.m. and close at 12:00 noon unless participation requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., on Monday, January 6, 1986, to the attention of Katherine Friedt, Assistant Director, Division for Community Services, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

If you have any questions or need additional information, please contact Tia Pennell at (206) 753-5908.

WSR 85-23-075 PROPOSED RULES **DEPARTMENT OF** SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning prepaid health plans, new WAC 388-

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia. Washington, conduct a public hearing on the proposed

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15,

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

> David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

> Dated: November 19, 1985 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. New WAC 388-86-009.

Purpose of the Rule: To implement a new managed health care system.

Reason the Rule is Necessary: Certain recipients will be required to participate in the managed health care system.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: All aid to families with dependent children-regular, categorically needy, Medicaid recipients living in Kitsap and Mason counties will be enrolled in the new managed health care system.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

NEW SECTION

WAC 388-86-009 PREPAID HEALTH PLANS. (1) The department may enter into agreements with prepaid health plans including, but not limited to, Health Maintenance Organizations (HMOs), Preferred Provider Organizations (PPOs) and Health Insuring Organizations (HIOs). Eligible recipients enrolled in such plans are required to utilize the providers and services covered under these plans exclusively, except for services not included in the agreement.

(2) Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the

department.

(3) Effective February 1, 1986, the following recipients will be enrolled in a Health Insuring Organization designated by the department. Enrollment in this plan is mandatory for eligible recipients.

(a) Individuals certified as recipients of aid to families with dependent children-regular (AFDC-R), who live in Kitsap and Mason

counties, and

(b) Individuals certified as recipients of Medicaid, who are eligible for but choose not to receive AFDC-R, who live in Kitsap and Mason counties

WSR 85-23-076 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning payment, hospital outpatient services, amending WAC 388-87-072;

that the agency will at 10:00 a.m., Tuesday, January 7, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15,

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 7, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

> David A. Hogan, Director Division of Administration and Personnel Department of Social and Health Services Mailstop OB 14 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by December 24, 1985. The meeting site is in a location which is barrier free.

> Dated: November 19, 1985 By: David A. Hogan, Director Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-87-072.

Purpose of the Rule Change: To more effectively control expenditures for hospital outpatient services.

Rule is Necessary: To implement the changes in the method of reimbursement for hospital outpatient services.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: The outpatient facility fee schedule is being expanded to cover all services except pharmacy and hyperbaric oxygen therapy.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 2266, filed 8/15/85)

WAC 388-87-072 PAYMENT-HOSPITAL OUTPATIENT SERVICES. (1) Payment shall be made by the department for medically necessary hospital outpatient services.

(2) ((For hospital outpatient services provided prior to July 1, 1985, except for nonallowable revenue codes, reimbursable costs will be determined by the application of the ratio of hospital commission approved operating expenses and total rate setting revenue.

(3) For hospital outpatient services provided on or after July 1,

1985, payment shall be determined as follows:

(a))) For procedure codes identified as hospital outpatient laboratory, x-ray, ((and)) surgery, or allowable therapy (physical, speech and hearing) services payment will be the lesser of billed charges or the fee listed in the Division of Medical Assistance ((Schedule of Maximum Allowances)) Outpatient Facility Fee Schedule.

(((b))) (3) For all other hospital outpatient services, except for nonallowable revenue codes, reimbursable costs will be determined by the application of the ratio of hospital commission approved operating ex-

penses and total rate setting revenue.

WSR 85-23-077 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296–17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Basic premium ratios, minimum premium ratios, loss conversion factors, size group tables, coverage periods, application deadlines, and clarification of rules are set forth;

that the agency will at 10:00 a.m., Friday, January 3, 1986, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 15, 1986.

The authority under which these rules are proposed is RCW 51.04.020(1) and 51.16.035.

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 3, 1986.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and proposed rules attached should be addressed to:

R. A. Davis, Director Department of Labor and Industries General Administration Building, HC-101 Olympia, Washington 98504

Dated: November 20, 1985

By: R. A. Davis

Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: The proposals for rule changes which follow amend chapter 296–17 which is the Administrative Code comprising the manual of rules, classifications, rates, and rating system for Washington state workers' compensation insurance. The proposed rules govern the retrospective rating plans and group insurance plans underwritten by the department, offered to Washington employers on an optional basis.

Statutory Authority: RCW 51.04.020(1) and 51.16.035.

Implementation of Specific Statute: RCW 51.16.035.

Description of the Proposed Rule(s): Revises the basic premium ratios, loss conversion factors and size group tables to reflect the most current insurance charges, administrative expense and investment earnings to be used in adjusting premium payments for possible refunds or penalties; allows enrollment in these optional rating plans four times a year instead of once a year; adds three new plans for employers to choose from; and clarifies and refines language governing the optional rating plans.

The retrospective rating plan parameters must be updated in line with the industrial insurance premium rates. Otherwise, the retrospective rating plan becomes inequitable by virtue of being either unduly favorable or unfavorable to retrospectively rated employers compared with other employers not retrospectively rated.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule(s): Allen Ziegler, Assistant Director for Industrial Insurance, 753-5173; Bill White, Actuary, 753-0779; Dale Andersen, Acting Employer Services Chief, 753-5371; and Sandra Lindberg, Acting Group Insurance Manager, 753-0766, General Administration Building, Olympia, Washington 98504.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): The proposed rules represent an adjustment to the retrospective rating plans commensurate with the most current expected loss ratios, administrative expenses and investment earnings.

These rules are not proposed to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: This statement pertains to revisions in chapter 296–17 WAC, proposed by the Department of Labor and Industries, and is prepared to conform with section 3(2) of section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines dividend declaration, qualifications for employer groups and employer's participating in retrospective rating plans, retrospective rating formula, evaluation of incurred losses, retrospective premium adjustments, basic premium ratios, loss conversion factors and premium size group tables. The retrospective rating plans provide an adjustment of employer premium payments based on the premium due and incurred losses that were reported during the enrolled coverage period.

Treatment of Small Business Under Existing Rules: The department's retrospective rating plans are offered to Washington employers on an optional basis. These plans do not provide special allowances for any particular industry. Treatment of all employers under these plans is consistent with the process of initially collecting premiums: Risk classifications are keyed to the nature of

an employer's business, industrial insurance rates are established by class, class rates multiplied by worker hours determine premium due. Although these plans are not generally as desirable when enrolled on an individual basis, we offer a group plan wherein many employers whose business is substantially similar can participate together. The group plan enables small employers to take advantage of lower insurance charges by producing a large aggregate premium base.

Effect of Proposed Revisions: The structure of these plans remains unchanged. Revisions to the parameters of the program conform to the industrial insurance rates in effect for 1986 and are commensurate with current administrative expenses, investment income and benefit levels. Adjustment to the employer's premium uses the same process by which it was collected. Small employers are not excluded from these plans by virtue of grouping.

Analysis of Cost of Proposed Revisions: There is no fiscal impact by making these changes nor can any cost be attached to implementing the rules. Employers voluntarily elect to participate in a retrospective rating plan.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-904 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-905 through 296-17-91902.

(1) "Coverage period" means ((the)) a one-year period beginning ((July 1 and ending June 30)) the first day of either January, April, July or October.

- July, or October.

 (2) "Group" means those members of an association who have elected to have a group dividend and/or retrospective premium calculated based on the combined premium and incurred loss data of the participants, and have satisfactorily complied with eligibility requirements for doing so.
- (3) "Premium" means only that portion of the money collected from an employer for worker's compensation (not to include any money paid in penalties or security deposits), which is deposited in the accident fund.
- (4) "Standard premium" for a particular coverage period means premium collected or due for insurance coverage provided during the period, prior to any adjustments under a dividend or retrospective rating plan.
- (5) "Incurred losses" for a coverage period means the estimated ultimate cost to the accident fund of claims arising from incidents occurring during the coverage period, subject to the special evaluation methods prescribed in WAC 296-17-915.
- (6) "Loss development factor" means an actuarially determined factor which is multiplied times individual case basis estimates of claim costs to produce incurred losses for a firm or group of firms during a coverage period. Loss development factors allow for reopenings, aggravations, and any other individually unpredictable contingencies which may affect claim costs based on past experience of the accident fund as a whole.
- (7) "Loss ratio" means incurred losses divided by standard premium.
- (8) "Dividend" is a partial refund of standard premium based on a firm's standard premium and loss ratio ((for the coverage period)).
- (9) "Retrospective premium" is a premium determined after a coverage period has ended, based on a firm's standard premium, incurred losses, and other preselected parameters for the coverage period.
- (10) "Retrospective premium adjustment" is an additional assessment or refund of premium owing to an employer's retrospective premium as of a given evaluation date being more or less than the premium previously paid for the coverage period.
- (11) "Performance adjustment factor" means an actuarially determined factor which is multiplied times incurred losses prior to application of the retrospective rating formula, to produce "adjusted incurred losses." This adjustment will produce net retrospective premium credits for participating risks in the aggregate when they have combined experience which is more favorable than total state fund experience for

the same coverage period. Conversely, this adjustment will produce net retrospective premium penalties for participating risks when their combined experience is more adverse than total state fund experience for the same coverage period. The purpose of the performance adjustment factor is to retain a consistent economic incentive for those employers to improve their accident cost experience while participating in these plans.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

- (1) Employers qualify as a group as defined by WAC 296-17-910.
- (2) Group submits a satisfactorily completed:
- (a) Application for group dividend plan no later than:
- (i) April 30 for the coverage period beginning the following July 1; (ii) July 31 for the coverage period beginning the following October
- (iii) October 31 for the coverage period beginning the following January 1;
- (iv) January 31 for the coverage period beginning the following April 1.
- (b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled ((no later than June 15)) by the 15th day of the month preceding the start of the coverage period;

(c) Group dividend agreement ((no later than June 15)) by the 15th day of the month preceding the start of the coverage period.

(3) A dividend is declared under provisions of WAC 296-17-905. Employers associated with the group at any time during the term of the group dividend agreement will remain parties to the group dividend agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the group dividend agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

The department ((will)) may withhold any member's pro rata share from the group's dividend and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-914 RETROSPECTIVE RATING FORMULA. Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department. This application must be received by the department no later than ((June 15 for the coverage period beginning the following July 1)) the 15th day of the month preceding the start of the coverage period. The employer must preselect a "maximum premium ratio" ((from)) and either Plan A, A1, A2, A3, or ((Plan)) B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium =

(Basic Premium Ratio x Standard Premium)

+

(Loss Conversion Factor x Adjusted Incurred Losses)

In the above formula, the basic premium ratio and loss conversion factor are taken from PLAN A (WAC 296-17-91901) or PLAN B (WAC 296-17-91902) or PLAN A1 (WAC 296-17-91903) or PLAN A2 (WAC 296-17-91904) or PLAN A3 (WAC 296-17-91905) based on the employer's standard premium and preselected maximum premium ratio. Adjusted incurred losses equal incurred losses times the performance

adjustment factor applicable to the coverage period. Evaluation of incurred losses will be done according to the methods prescribed in WAC 296-17-915.

The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plans A1, A2, and A3, the minimum retrospective premium is the product of the minimum premium ratio times the employer's standard premium. If the retrospective premium formula produces a value less than the minimum premium, the retrospective premium shall be increased to the minimum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective ((for the coverage period beginning July 1, 1985, and ending June 30, 1986) January 1, 1986, will be ((.051)) .052 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-916 RETROSPECTIVE PREMIUM ADJUST-MENTS—DUE AND PAYABLE. The initial retrospective premium adjustment will be calculated approximately twelve months from the close of the coverage period and annually thereafter for a period of four years. Provided a request is made within ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the sixth and seventh adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Reevaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less than ten dollars will be credited to the employer's industrial insurance account.

The department ((will)) may withhold any member's pro rata share from the group's retrospective premium adjustment refund and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department. For employers participating in an individual retrospective rating plan, retrospective premium adjustment refunds ((will)) may be credited to the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN. The department may enroll interested groups in the retrospective rating plan provided:

- (1) Employers qualify as a group as defined by WAC 296-17-910.
- (2) Employers have industrial insurance accounts in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.
 - (3) Group submits a satisfactorily completed:
 - (a) Application for group retrospective rating plan no later than:
 - (i) April 30 for the coverage period beginning the following July 1;
- (ii) July 31 for the coverage period beginning the following October
- (iii) October 31 for the coverage period beginning the following January 1;
- (iv) January 31 for the coverage period beginning the following April 1.
- (b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by ((June 15)) the 15th day of the month preceding the start of the coverage period;

- (c) Group retrospective rating plan agreement by ((June 15)) the 15th day of the month preceding the start of the coverage period.
- (4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department:
- (a) The group's surety bond must be on the prescribed forms authorized by the department;
- (b) The group's surety bond shall be secured in one thousand dollar increments provided further that if the group's estimated maximum premium due falls within two increment ranges, a surety bond at the higher level increment shall be obtained;
- (c) The group's surety bond shall remain in force and effect for the period required retrospective premium calculations are made.

The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the group retrospective rating plan agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Employers associated with the group at any time during the term of the group retrospective rating plan agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-919 TABLE I.

Size

Group

RETROSPECTIVE RATING PLANS A, A1, A2, A3, and B
STANDARD PREMIUM SIZE RANGES
Effective ((for the coverage period July 1, 1985, through June
30,))January 1, 1986

Standard

Premium

| Number | Range | |
|--------|------------------|--------------------|
| ((84 | \$ 3,230 - \$ | 3,639 |
| 83 | 3,640 - | 4,109 |
| 82 | 4,110 - | 4,639 |
| 81 | | 5,239 |
| 80 | | 5,919 |
| 79 | 5,920 - | 6,629 |
| 78 | 6,630 - | 7,259 |
| 77 | 7,260 | 7.879 |
| 76 | 7.880 - | 8,549 |
| 75 | 8,550 - | 9,259 |
| 74 | 9,260 - | 9,929 |
| 73 | | -10,599 |
| 72 | 10,600 - | 11,399 |
| 71 | 11,400 - | 12,199 |
| 70 | 12,200 - | 13.099 |
| 69 | 13,100 - | 13,999 |
| 68 | 15,100 = | 15,099 |
| 67 | 15,100 = | 16,199 |
| 66 | 15,100 = | 17,399 |
| 65 | | |
| | | 18,599 |
| 64 | 18,600 - | 19,999 |

| Size | Standard | Size | Standard |
|--------------------------------|---|--------------------------------|--|
| Group | Premium | Group | Premium |
| Number | Range | Number | Range |
| | | | |
| 63 | | 73 | 13,207 - 14,097 |
| 62 | 21,400 - 22,999 | 72 | 14,098 - 15,161 |
| 61 | 23,000 = 24,599 | 71 | 15,162 - 16,225 16,226 - 17,422 |
| 60 | | 70 69 | 16,226 - 17,422 17,423 - 18,619 |
| 59 | | 68 | 18,620 - 20,082 |
| 58 | | 67 | 20,083 - 21,545 |
| 57 | 32,600 - 34,999 | 66 | 21,546 - 23,141 |
| 55 | 32,000 - 34,777 | 65 | 23,142 - 24,737 |
| 54 — | 37.500 - 40.199 | 64 | 24,738 - 26,599 |
| 53 | 40.200 - 43.099 | 63 | 26,600 - 28,461 |
| 52 | | 62 | 28,462 - 30,589 |
| 51 | 46,200 - 49,599 | 61 | 30,590 - 32,717 |
| 50 | 49,600 - 53,099 | 60 | 32,718 - 35,111 |
| 49 | 53,100 - 56,999 | 59 | 35,112 - 37,771 |
| 48 | 57,000 61,099 | 58 | 37,772 - 40,431 |
| 47 | 61,100 - 65,599 | 57 | 40,432 - 43,357 |
| 46 | | 56 | 43,358 - 46,549 |
| 45 | | 55 | 46,550 - 49,874 |
| 44 | 75,400 - 80,999 | . 54 | 49,875 - 53,465 |
| 43 | 81,000 - 87,299 | 53 52 | 53,466 - 57,322 |
| 42 | 87,300 = 93,999 | 52 | 57,323 - 61,445 61,446 - 65,967 |
| 41 | 94,000 - 100,999 101,000 - 108,999 | 50 | 65,968 - 70,622 |
| 40 39 | 101,000 - 108,999 109,000 - 117,999 | 49 | 70,623 - 75,809 |
| 38 | 118,000 = 126,999 | 48 | 75,810 - 81,262 |
| 37 | | 47 | 81,263 - 87,247 |
| 36 | 137,000 = 147,999 | 46 | 87,248 - 93,498 |
| 35 | 148,000 - 161,999 | 45 | 93,499 - 100,281 |
| 34 | 162,000 - 174,999 | 44 | . 100,282 - 107,729 |
| 33 | | 43 | 107,730 - 116,108 |
| 32- | 190,000 - 206,999 | 42 | 116,109 - 125,019 |
| 31 | 207,000 – 224,999 | 41 | 125,020 - 134,329 |
| 30 | 225,000 - 243,999 | 40 | 134,330 – 144,969 |
| 29 | 244,000 - 264,999 | 39 | 144,970 – 156,939 |
| 28 | 265,000 - 288,999 | 38 | 156,940 - 168,909 |
| 27 | 289,000 = 313,999 | 37 | 168,910 - 182,209 |
| 26 | 314,000 - 341,999 | 36 | 182,210 - 196,839 |
| 25 | 342,000 - 371,999 372,000 - 404,999 | 35 34 | 196,840 - 215,459 215,460 - 232,749 |
| 24 | 372,000 - 404,999 405,000 - 440,999 | 33 | 232,750 - 252,699 |
| 23 | 441,000 479,999 | $\frac{33}{32}$ | 252,700 - 275,309 |
| 21 | 480,000 = 521,999 | 31 | 275,310 - 299,249 |
| 20 | 522.000 - 568.999 | 30 | 299,250 - 324,519 |
| 19 | | 29 | 324,520 - 352,449 |
| 18- | 619,000 - 674,999 | 28 | 352,450 - 384,369 |
| 17 | 675,000 - 734,999 | 27 | 384,370 - 417,619 |
| 16 | - 735,000 - 801,999 | 26 | 417,620 - 454,859 |
| 15 | - 802,000 - 909,999 | 25 | 454,860 – 494,759 |
| 14 | 910,000 - 1,032,999 | 24 | 494,760 - 538,649 |
| 13 | | 23 | 538,650 - 586,529 |
| 12 | - 1,171,000 - 1,563,999 | 22 | 586,530 - 638,399 |
| 11 | 1,564,000 - 1,976,999 | 21 | 638,400 - 694,259 694,260 - 756,769 |
| 10 | - 1,977,000 - 2,415,999 | 20 19 | 756,770 - 823,269 |
| 9 | | 18 | 823,270 - 897,749 |
| 8 - | 3,883,000 = 3,882,999 - 3,883,000 = 5,154,999 | 17 | 897,750 - 977,549 |
| 6 | - 5,155,000 - 7,203,999 | 16 | 977,550 - 1,066,659 |
| 5 | 7,204,000 = 7,203,777 | 15 | 1,066,660 - 1,210,299 |
| 84 | \$ 4,296 - \$ 4,840 | 14 | 1,210,300 - 1,373,889 |
| 83 | 4,841 - 5,465 | 13 | 1,373,890 - 1,557,429 |
| 82 | 5,466 - 6,170 | 12 | 1,557,430 - 2,080,119 |
| 81 | 6,171 - 6,968 | 11 | 2,080,120 - 2,629,409 |
| 80 | 6,969 - 7,873 | 10 | 2,629,410 - 3,213,279 |
| 79 | 7,874 – 8,817 | 9 | 3,213,280 - 4,016,599 |
| 78 | 8,818 - 9,655 | 8 | 4,016,600 - 5,164,389 |
| 77 | 9,656 - 10,479 | 7 | 5,164,390 - 6,856,149 |
| 76 | 10,480 - 11,371 | 6 | 6,856,150 - 9,581,319 |
| 75 | 11,372 - 12,315 | 5 | 9,581,320 & over |
| 74 | 12,316 - 13,206 | | |
| | | | |

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A BASIC PREMIUM RATIOS LOSS CONVERSION FACTOR = ((.560)) .692 Effective ((for the coverage period beginning July 1, 1985, through June 30.)) January 1, 1986

| Maximum |
|---------|
| Premium |

1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 Ratio: 1.45 1.50 1.60 1.70 1.80 2.00

| (84 | .975 .973 | .957 954 | .942 .938 | . 931 - . 924 | 918 | .910 | .901 | .895 | .887 — | 880 | .869- | .858 | 848 | 82 |
|------------------------------------|-------------------------------------|--|--------------------------|--|---|--------------------------------------|----------------------------------|--------------------------------------|--|---------------------------------------|--|------------------------------------|------------------------------------|------------------------------------|
| 83 | .973 -:972 | .950 | .932 | .924 | 912 906 | .902 895 | 894 886 | 886 879 | | 872 863 | .860 .850 | .848 838 | .838 .826 | .81 80. – |
| 81 | .967 | .946 | .925 | 913 | .898 | 889- | 878 | .869 | .861 | 854 | .840 | .828 | .816 | —.79 |
| 80 | 966 | .940 | 921 | | .891 | 880 | .870 | .861 | .853 | .845 | .830 | .818- | .805 | .78 |
| 79 | 964 962 | — 937 — 932 | .915 911 | 899 895 | 886 879 | .873 | .863 | 853 | 843 | 836 - | 821 | | .794 | .76 |
| 7 7 | | 929 | .905 | -888 | .873 | .866 .861 | 856 848 | .846 .839 | 836 .829 | 826 819 | | .797 .786 | 783 772 | 75 |
| 76 | .955 | .927 | .902 | .884 | 867- | .853 | :840 | 829 | 820 | 808 - | .792 | .776 - | .,,,2 | 73 |
| 75 | :953 | .920 — | .896 | .877 | 860 | .844 | .830 | .820 | - 808 - | .799 | 781 | .764 | .749 | 72 |
| 74 73 | .948 .946 | . 917 - . 911 - | | 869 864 | 852 | .837 | .824 | .811 | 802 - | .789 | 771 - | .753 | 737 | 70 |
| 72 | .940 | .908 | .881 | .858 | 847 840 | 831 823 | .816 .808 | .803 — .794 | 792 783 | 781 | .761 | .743 .731 | 726 714 | 69 |
| 71 | .938 | .901 | 874 | 850 | 831 | .814 | 799 | | 773 | 761 | :739 | 721 | 701 | .66 |
| 70 | .936 | .898 | .867 | .842 | 823 | .806 | .790 | .776 | .764 | 750 | .729 - | .707 | .690 | :65 |
| 69 | .935 | .892 | .862 | .838 | :815 | .797 | 782 | .767 | .754 | :740 | .717 - | .696 | .677 | .64 |
| 6 8 6 7 | .928 .925 | .888 .881 | .855 .847 | 829 821 | 806 797 | .788 .779 | 771 763 | 756 747 | .744 .731 | 730 - 720 - | .707 .695 | .684 .673 | .664 | 62 |
| 6 6 | 918 | 873 | 839 | .813 | .791 | 770 | .752 | 737 | .721 | .710 | .093 :682 | 660 | .652 639 | .61 .60 |
| 65 | .916 | .870 | .835 | .808 | .783 | .762 | 744 | .728 | .712 | .699 | 671 | 648 | .626 | 58 |
| 64 | .910 | .862 | 826 | 800 | .775 | .752 | .734 | .717 | 701 | 686 | 660 | 636 | .614 | 57 |
| 63 62 – – | | .855 .851 | .819 .810 | 790 - 783 | .766 .756 | .743 - .733 | .724 | .707 . 696 | .691 | 675 | .649 | -624 | .602 | 56 |
| 6 1 | .898 | .843 | 806 | .773 | .748 | .724 | 714704704 | .687 | .680 670 | .665 .654 | 637 624 | | 588 575 | — .54 — .53 |
| 50 | 890 | 836 | .798 | .765 | .738 | 713- | .694 | .675 | .659 | .642 | .612 | :586 | 563 | 52 |
| 59 | .888 | .833 | .790 | .756 | .730 | 705 | 684 | .666 | 646 | .629 | :600 | .572 | .548 | -:50 |
| 58 57 | .880 .879 | .825 .817 | .781 772 | .747 .737 | 719 710 | .694 | .674 | .652 | .635 | 617 | 586 | .560 | :536 | .49 |
| 56 | .871 | .817 | .763 | .737 .729 | .710 .700 | .684 .674 | 660 | . 640 .631 | 623 . .611 | 606 592 | .574 .563 | .545 .533 | .522 - .508 | 48 46 |
| 55 | .868 | .805 | .758 | .718 | .690 | :663 | .638 | 619- | .598 | 580 | .5 47 | 521 | 496 | 45 |
| 54 | 860 | 795 - | .749 | 709 | .679 | .653 | 628 | .605 | 586 | .569 | 536 | .507 | -:482 | .44 |
| 53 | 851 | .786 | 739 | 699 | | .642 | 617 | 594 | 574 | .554 | :524 | .494 | 470 - | .42 |
| 52 51 | 842 .833 | 777 | .725 | 688 677 | 658 644 | .628 .617 | | .582 .567 | 5 61 5 48 | 543 530 | 509 .497 | 482 468 | .458 .443 | 41: 40: |
| 50 | 830 | 758 | 706 | .667 | 633 | | 5 80 | 556 | .536 | .530 516 | .497 :483 | .408 455 | .443 | .40. |
| 49 | .822 | .749 | .695 | .657 | .622 | 591- | :564 | 544 | 522 | .503 | 470 | 441 | .416 | .37 |
| 18 | .813 | .739 | .685 | 642 | .611 | .579 | 553 | -529 | .509 | .490 | -:458 - | .429 | .404 | .36 |
| 47 46 | 803 795 | .729 .719 | .674 .664 | 631 619 | 596 584 | .567 .552 | 5 41 526 | .517 .505 | .494 | 476 | 443 | : 416 | .390 | 35 |
| 45 | 786 | .719 .709 | .648 | .604 | :568 | .552 540 | .520 513 | .489 | .482 .470 - | 464 449 | .432 .416 | .403 391 | 378 368 | 34 (33 (|
| 14 | 775 | .693 | .637 | .593 | 556 - | .524 | 498 | .477 | .454 | 436 | .405 | 379 | 357 | .320 |
| 13 | 766 | .682 | .620 | .581 | .544 | .511 | .486 | .462 | .442 | 425 | .394 | .368 | .346 | .310 |
| 12 | .757 | 672 | :610 | .564 | 529 | .500 | 470 | :450 | 428 | .411 | 378 | 354 | .332 | 299 |
| 11 10 | 747 - .737 | .661 .645 | .600 .588 | .554 538 | .517 .502 | 485 472 | .458 446 | .434 .422 | .414 .403 | .397 .38 2 - | 366 354 | .341 327 | .320 .307 | .28 .27: |
| 99 | 727 | .635 — | .572 | 526 | .489 | .456 | 431 — | 410 | - :388 | .370 – | | .315 | .307 | 26 |
| 38 | 717 | .624 | 561 | -514 | 473 - | .445 | .418 | .394 | .376 — | .358 — | 327 | .302 | .282 | 250 |
|)7 | 700 - | 607 | 544 | .498 | 461 | 429 | 402 | 381 | 360 | .342 | .315 | - :289 | 269 - | .238 |
| 36 35 | | .596 .578 | 532 514 | .481 .469 | .445 — . 432 — | 416 399 | 390 | .366 .354 | 348 | 331- 316 | .301 .288 | 278 265 | .259 .246 | .227 |
| 34 | -:660 | .560 | .496 | 451 | . 432 .415 | .387 | 361 | .339 | 321 | 304 | .277 | .203 255 | .235 | .207 |
| 13 | :641 | .547 | 484 | .433 | .402 | 370 | .345 | .325 | 307 | 291 | - 264 - | 242 | 225 | .197 |
| 12 | 622 | .528 - | .466 | .421 | .385 | .358 | .333 | .311 | 293 — | .278 | .252 | 231 | 214 | .186 |
| 10 | .604 | .510 | :449 | .404 — | 369 | 341 | .318 | :299 | .282 | .266 | 242 | 221 | 206 | .180 |
| 10 19 | .567 | 492 - .474 | . 431 .417 | .391 — .374 — | 357 339 | .329 | | 286 .272 | 269 | 254 244 | .230 — .221 — | .211 .202 | 196 188 | 172 |
| . <u></u> | .548 | 456 | 400 | .357 | 327 - | .301 | .278 | 260 | .244 | :229 | 207 — | 191 | .176 | :153 |
| :7 | .537 | -:444 | .383 | .344 | .310 | .284 | 262 | .244 | .228 | 215 | 192 - | .174 | .159 | :137 |
| 6 | .519 | -:427 | .371 | 328 | 298 | .268 | .248 | .229 | 214 - | .200 | 177 | .160 | -145 | .123 |
| !5 | .499 .480 | 408 390 | 353 335 | :310 :297 | 281 | 255 240 | 232 -:221 | 214 | .199 189 | .187 | 164 | .146 | .132 | -:112 |
| 3 | | .370 | .333 | .280 | .252 | 240 228 | .209 | .204 .193 | .189 | 177 168 | .156 .148 | 140 134 | 127 121 | 107 103 |
| 2 | .434 | 351 | 302 | 263 | .236 | .215 | .195 | .183 | 170 | 159 | 140 | 126 | .121 :116 | 099 |
| :1 | .413 | 332 | .284 | .250 | .224 | 202 | .185 | 172 | .160 | .151 — | .135- | -121 | 111 | 096 |
| 0 | .395 | .313 | .267 | .237 | .209 | .190 | .173 | -:162 | .150 | -140 - | :125 - | .113 | .104 | :090 |
| 9 | .377 | - 301 - 282 | .250 | .221 | .195 | .177 | 161 | .148 | .138 | 130 - | .116 - | .104 | .096 | 083 |
| 8 | .358- .339 | 283 265 | 237 | 204 191 | 180 | 162 - :151 | .147 | .136 | -:127 - -:117 | 118 | 106 | .097 | | 078 |
| 6 | .319 | 246 | .220 .203 | .175 | .155 | .138 | .136 | 126 | -108 | 109 101 | .098 .090 – | -:089 -:082 | . 082 | 073 068 |

Maximum Premium Ratio:

Premium
Ratio: 1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

| | | | | 1.73 | 1.42 | 120 | -116 | .107 | .100 | 094 | | 079 | .073 | .065 |
|----------------|-----------------------------|----------------------------------|-----------------------------|----------------------------------|-------------------------|-----------------------------------|--|----------------------------------|----------------------------------|------------------------------------|----------------------------------|----------------------------------|----------------|------------------------------------|
| l 5 | .300 — .290 — | 228216 | 190 - 173 - | 163 153 | .142 .135 | 129 | 116 - 111 | 107 | 096 | | 082 | .077 | 071 | 06 |
| 1 4 | 280 | .199 | .173 | .143 - | 128 | .116 | - :106 | | .093 | .087 | .080 | -:075 | 070 | :06 |
| 12 | 263 | .181 - | .151 | .135 | .120 | .110 - | 101 · · | 096 | 089 | 085 | 078 | .072 | .068 | 06 |
| + | 251 | .161 - | .137 | 125 | | .104 | 097 .092 | 091 087 | 085 082 | 082 .079 | 075 073 | 070 068 | 067 065 | 06 |
| 9 | .234 .215 | 143 132 | .128 — .118 — | 116 | .107 .100 | 098 093 | 092 :087 | .087 | .082 079 | .075 :076 | 071 | 067 | .064 | -:06 |
| 8 | .195 | - :121 | 110 — | :101 | 094 | 087 | | .079 | 076 | .073- | 068 | 065 | 062 | .05 |
| | .167 | | .102 | 094 | .088 | .083 | 079 | .075 - | .073 | 070 | 066 | 062 | :061 | .05 |
| 6 | .130 | 100 | 094 | .087 | .082 | 078 .074 | —. 075 — —. 070 | 072 068 | 069 066 | .067 .064 | 063 061 | 061 | 060 058 | 05 .056) |
| 5 | | 092 .955 | 086 .942 | .080 .929 | .077 .918 | .910 | .901 | .895 | .887 | .881 | .869 | .858 | .848 | .82 |
| 34 33 | .973 | .954 | .938 | .924 | .912 | .902 | .894 | .886 | .879 | .872 | .860 | .848 | .838 | .81 |
| 32 | .972 | .950 | .932 | .918 | .906 | .895 | .886 | .879 | .870 | .863 | .850 | .838 | .827 | .80 |
| 31 | .967 | .946 | .925 | .913 | .899 | .889 | .878 .870 | | .862 .853 | .854 .845 | .840 | .828 .818 | .816 | .79 .78 |
| 30 <u> </u> | .966 .964 | .940 .937 | .921 | .906 .900 | .891 | .881 .873 | .863 | .853 | .844 | .836 | .821 | .808 | .794 | .77 |
| 78 | .958 | .932 | .911 | .895 | .880 | .866 | .856 | .845 | .836 | .827 | .811 | .797 | .783 | .75 |
| 17 | .957 | .929 | .905 | .888 | .873 | .862 | .848 | .839 | .827 | .819 | .802 | .787 | .772 | .74 |
| 76 | .955 | .927 | .902 | .884 | .865 | .853 | .840 | .829 | .818 | .809 .799 | .792 .781 | .774 .764 | .760 .749 | .73 |
| 15 | .954 | .920 | .896 .892 | .877 .869 | .860 .852 | .845 .837 | .830 .823 | .820 .811 | .809 .800 | .790 | .770 | .754 | .737 | .70 |
| 13 | .948 | .918 .911 | .885 | .863 | .845 | .829 | .816 | .803 | .790 | .781 | .760 | .743 | .726 | .69 |
| 12 | .944 | .908 | .878 | .858 | .840 | .824 | .809 | .794 | .783 | .772 | .750 | .732 | .714 | .68 |
| 71 | .938 | .901 | .874 | .850 | .831 | .814 | .799 | .785 | .772 | .761 | .739 | .721 | .701 | .66 |
| 70 | .936 | .899 | .867 | .843 | .824 | .807 | .790 | .776 | .762 | .751 | .729 .717 | .707 .697 | .690 .678 | .65 |
| 59 | .935 .928 | .892 | .859 .855 | .838 .829 | .815 .807 | .797 .789 | .782 .772 | .767 .756 | .742 | .731 | .707 | .684 | .664 | .62 |
| 58 57 | .925 | .882 | .847 | .821 | .797 | .779 | .763 | .747 | .732 | .720 | .694 | .673 | .652 | .61 |
| 66 | .918 | .873 | .839 | .813 | .789 | .770 | .753 | .737 | .721 | .710 | .682 | .661 | .640 | .60 |
| 55 | .917 | .870 | .835 | .805 | .783 | .762 | .744 | .728 | .712 | .698 | .671 | .648 | .628 | .58 |
| 4 | .910 | .863 | .827 | .800 | .775 | .753 .743 | .735 | .717 | .701 .691 | .686 | .661 | .636 | .614 | .57 .56 |
| 52 | .907 .900 | .855 .851 | .819 .810 | .790 .783 | .766 .756 | .734 | .715 | .697 | .681 | .665 | .636 | .610 | .589 | .54 |
| 51 | .898 | .844 | .807 | .773 | .748 | .724 | .704 | .687 | .670 | .654 | .625 | .599 | .575 | .53 |
| 50 | .890 | .836 | .798 | .765 | .738 | .714 | .695 | .674 | .657 | .641 | .612 | .585 | .562 | .52 |
| 59 | .888 | .833 | .790 | .756 | .730 | .705 | .684 | .663 | .646 | .629 | .598 | .572 | .549 | .50 |
| 58 | .881 | .826 | .781 | .747 | .719 .710 | .695 | .674 .661 | .652 .641 | .635 .624 | .617 .607 | .587 .574 | .546 | .522 | .48 |
| 57 56 | .879 .871 | .817 | .772 | .737 | .700 | .674 | .650 | .631 | .609 | .592 | .561 | .534 | .509 | .46 |
| 55 | .863 | .805 | .754 | .718 | .690 | .663 | .639 | .620 | .598 | .580 | .548 | .521 | .495 | .45 |
| 54 | .860 | .795 | .745 | .709 | .680 | .653 | .628 | .606 | .587 | .570 | .536 | .507 | .482 | .44 |
| 53 | .851 | .786 | .736 | .699 | .665 | .639 | .617 | .594 | .572 .561 | .554 | .522 | .495 | .470 .457 | .42 |
| 52 | .842 .833 | .777 | .725 .716 | .688 | .656 | .628 | .603 .591 | .568 | .549 | .531 | .498 | .468 | .444 | .40 |
| 51 50 | .825 | .758 | .706 | .667 | .633 | .606 | .580 | .556 | .534 | .517 | .483 | .456 | .429 | .38 |
| 49 | .822 | .749 | .696 | .658 | .623 | .591 | .565 | .544 | .522 | .503 | .470 | .442 | .417 | .37 |
| 48 | .813 | .739 | .685 | .643 | .608 | .579 | .553 | .530 | .510 | .489 | .457 | .429 | .405 | .36 |
| 47 | .803 | .729 | .675 | .631 | .596 | .568 .553 | .541 | .517 .502 | .495 .482 | .477 | .432 | .404 | .379 | .35 |
| 46 45 | .795 .786 | .719 .709 | .664 | .620 .605 | .585 | .540 | .514 | .490 | .467 | .449 | .417 | .391 | .369 | .33 |
| 44 | .775 | .694 | .638 | .593 | .556 | .524 | .499 | .478 | .455 | .437 | .406 | .380 | .357 | .32 |
| 43 | .766 | .682 | .621 | .577 | .541 | .512 | .486 | .462 | .443 | .426 | .394 | .367 | .347 | .31 |
| 42 | .757 | .672 | .610 | .565 | .530 | .497 | .471 | .450 .435 | .428 | .398 | .379 | .354 | .333 | .29 |
| 41 40 | .747 | .662 | .600 .589 | .554 .538 | .514 | .485 .473 | .446 | .423 | .401 | .386 | .354 | .328 | .306 | .27 |
| 39 | .727 | .635 | .572 | .527 | .490 | .457 | .431 | .408 | .389 | .371 | .340 | .316 | .295 | .26 |
| 38 | .717 | .625 | .561 | .511 | .474 | .445 | .419 | .394 | .376 | .356 | .328 | .303 | .282 | .25 |
| 37 | .700 | .608 | .544 | .499 | .462 | .429 | .403 | .379 | .361 | .343 | .314 .301 | .290 .279 | .270 | .23 |
| 36 | .689 | .596 .578 | .533 | .481 | .445 .428 | .417 | .375 | .367 | .334 | .316 | .289 | .266 | .247 | .21 |
| 35 34 | .653 | .560 | .497 | .452 | .416 | .388 | .362 | .339 | .321 | .305 | .276 | .256 | .236 | .20 |
| 33 | .642 | .542 | .484 | .434 | .399 | 371 | .346 | .326_ | .306 | .290 | .264 | .243 | .225 | .19 |
| 33 32 | .623 | .523 | .466 | .422 | .386 | .355 | .334 | .312 | .294 | .279 | .253 | .232 | .215 | .18 |
| 31 | .605 | .511 | .449 | .405 | . <u>370</u> .357 | .342 | .318 | .299 | .282 | .267 | .243 | .222 | .207 .197 | .18 |
| 30 29 | .586 | .493 | .431 | .388 | .340 | .314 | .291 | .273 | .257 | .243 | .220 | .203 | .189 | .16 |
| 28 | .549 | .457 | .401 | .357 | .324 | .301 | .279 | .261 | .244 | .230 | .207 | .191 | .177 | .15 |
| 27 | .537 | .444 | .384 | .345 | .311 | .285 | .262 | .244 | .229 | .216 | .193 | .176 | .160 | .13 |
| 26 25 | .519 | .427 | .371 | .329 | .295 | .269 | .249 | .228 | .215 | .201 | .178 | .161 | .145 | .12 |
| 25 | .499 | .408 | .353 | .311 | .281 | .256 | .233 | .215 | .189 | .186 | .165 .157 | .147 | .133 | .10 |
| 24 23 | .480 | .390 .371 | .335 | .298 | .265 | .229 | .210 | .194 | .179 | .168 | .149 | .134 | .122 | :10 |
| 22 | .435 | .352 | .299 | .263 | .237 | .216 | .196 | .184 | .171 | .160 | .141 | .127 | .116 | .10 |
| 21 | .408_ | .333 | .285 | .251 | .225 | .203 | .186 | .171 | .161 | .152 | .134 | .122 | .112 | .09 |
| 20 | .388 | .314 | .268 | .234 | .209 | .190 | .174 | .161 | .151 | .141 | .125 | .114 | .105 | .09 |
| 19 | .377 | .301 | .251 | .222 | .196 | .178 | .162 | .149 | .139 | .131 | .116 | .105 | .097 | .08 |
| 18 | .358 | .283 | .238 | .205 | .181 | .152 | .148 | .137 | .127 | .119 | .098 | .090 | .083 | .07 |
| 16 | .319 | .247 | .204 | .176 | .154 | .137 | .127 | .117 | .108 | .102 | .091 | .083 | .078 | .06 |

| Maximum Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Size Group | | | | | | | | | | | | | | |
| 15 | .300 | .229 | .190 | .164 | .143 | .128 | .117 | .108 | .101 | .095 | .086 | .079 | .074 | .066 |
| 14 | .291 | .217 | .174 | .154 | .134 | .123 | .112 | .103 | .097 | .091 | .083 | .078 | .072 | .065 |
| 13 | .275 | .200 | .163 | .142 | .129 | .116 | .107 | .099 | .094 | .088 | .081 | .076 | .071 | .064 |
| 12 | .263 | .182 | .152 | .135 | .121 | .111 | .102 | .096 | .089 | .086 | .079 | .073 | .069 | .063 |
| 11 | .246 | .162 | .138 | .126 | .114 | .105 | .098 | .092 | .086 | .083 | .076 | .071 | .068 | .062 |
| 10 | .235 | .147 | .129 | .117 | .107 | .098 | .093 | .088 | .083 | .079 | .074 | .069 | .066 | .061 |
| 9 | .216 | .133 | .119 | .109 | .101 | .094 | .088 | .083 | .079 | .077 | .072 | .068 | .065 | .061 |
| 8 | .189 | .122 | .111 | .102 | .095 | .088 | .083 | .079 | .077 | .074 | .069 | .066 | .063 | .060 |
| 7 | .160 | .112 | .101 | .095 | .088 | .084 | .079 | .076 | .074 | .071 | .067 | .063 | .062 | .059 |
| 6 | .131 | .101 | .095 | .088 | .083 | .079 | .076 | .073 | .070 | .068 | .064 | .062 | .061 | .058 |
| 5 | .131 | .093 | .087 | .081 | .078 | .075 | .071 | .069 | .067 | .065 | .062 | .061 | .059 | .057 |

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

1.05

1.10

1.15

WAC 296-17-91902 TABLE III.

Maximum Premium Ratio:

RETROSPECTIVE RATING PLAN B BASIC PREMIUM RATIOS AND LOSS CONVERSION FACTORS

Effective ((for the coverage period beginning July 1, 1985, through June 30,)) January 1, 1986 1.25

1.30

1.35

1.40

1.45

1.50

1.60

1.70

1.80

2.00

1.20

| Size | | | | | | | | | | | | | | | |
|------------------|--------------------------|----------------|------------------|-----------------|-------------------|------------------|------------------|-------------------|-------------------|------------------|------------------|-----------------|-----------------|-----------------|-------------------|
| Group | | | | | | | | | | | | | | | |
| (84 | Basic Premium Ratio | | .996 | .993 | .991 | .989 | .987 | 984 | .982 | 980- | .978 | .973 | .969 | 964 | .950 |
| | Loss Conversion Factor | .002 | .004 | 007 | .009 | .011 | .013 | .016 | .018 | .020 | .022 | .027 | .031 | .036 | .044 |
| 3 - | Basic Premium Ratio | .998 | 995 - | .993 | 990 | .988 | 985 | .983 | .980 | 978 | .975 | .970 | .966 | .961 | .951 |
| | Loss Conversion Factor | .002 | .005 | .007 | .010 | .012 | .015 | 017 | 020 | 022 | 025 | 030- | .034 | .039 | :049 |
| 12 | Basic Premium Ratio | .997 | .995 | .992 | 989 | .987 | .984 | -:981 | .978 | .976 | .973 | .968 | 962 | .957 | .940 |
| | - Loss Conversion Factor | .003 | 005 | .008 | .011 | .013 | .016 | 019 | .022 | .024 | 027 | .032 | .038 | .043 | .054 |
| | Basic Premium Ratio | .997 | .994 | .991 | .988 | .985 | .982 | .979 | :976 | .973 | .970 | .964- | 959 | .953 | .941 |
| | Loss Conversion Factor | .003 | .006 | .009 | .012 | .015 | .018 | 021 | .024 | .027 | 030 | .036 | .041 | .047 | 059 |
| 30 | Basic Premium Ratio | .997 | .994 | .990 | .987 | .984 | 981 | 977 | .974 | .971 | .968 - | .961 | 955- | .948 | .935 |
| | Loss Conversion Factor | .003 | .006 | .010 | .013 | .016 | 019 – | 023 | 026 | .029 | 032 | .039 | :045 | .052 | .065 |
| 79 | Basic Premium Ratio | .996 | .993 | .989 | .986 | .982 | .979 | 975 | .972 | .968 | 965 | .958 | 951 | .944 | .930 |
| - | Loss Conversion Factor | .004 | -:007 | .011 | .014 | .018 | .021 | 025 | .028 | .032 | 035 | .042 | .049 | .056 | .070 |
| 78 | Basic Premium Ratio | .996 | 992 | .988 | .984 | .980 | .976 | 973 | .969 | .965 | .961 | .953 | .945 | .937 | .922 |
| | Loss Conversion Factor | .004 | 008 | .012 | .016 | 020 | .024 | .027 | .031 | .035 | .039 | :047 | .055 | 063 | 078 |
| 77 | Basic Premium Ratio | .996 | 991 | .987 | 982 | .978 | .973 | 969 | .964 | .960 | .955 | .946 | .937 | .928 | .910 |
| | Loss Conversion Factor | .004 | 009 | .013 | .018 | .022 | .027 | 031 | .036- | .040 | 045 | .054 | .063 | .072 | .090 |
| 76 | Basic Premium Ratio | .995 | 990 | .986 | 981 | .976 | .971 | .966 | .961 | .957 | -:952 | .942 | 932 | .923 | .904 |
| | Loss Conversion Factor | .005 | .010 | .014 | 019 | .024 | .029 | 034 | 039 | 043 | 048 | .058 - | .068 | .077 | .096 |
| 75 | Basic Premium Ratio | .995 — | 990 | 984 | .979 | .974 | .969 | .964 | 958 | 953 | .948 | .938 | .927 | .917 | .896 |
| | Loss Conversion Factor | .005 | .010 | .016 | .021 | -:026 | .031 | :036 | .042 | .047 | 052 | .062 | .073 | 083 | :104 |
| 74 | Basic Premium Ratio | .994 | .989 | 983 | 977 | 971 | 966 | 960 | .954 | .948 | 943 | 931 | .920 | 908 | .885 |
| | Loss Conversion Factor | .006 | 011 | .017 | .023 | .029 | 034 | .040 | .046 | .052 | .057 | .069 | .080 | 092 | .115 |
| 73 | Basic Premium Ratio | .994 | .987 | - :981 | .974 | :968 | .962 | .955 | :949 | .943 | 936 | .923 | .911 | .898 | .872 |
| | Loss Conversion Factor | .006 | .013 | 019 | .026 | 032 | .038 | .045 | .051 | 057 | 064 | .077 | .089 | .102 | -128 |
| 72 | Basic Premium Ratio | .993 | .986 | .979 | .972 | 965 - | .958 | .951 – | .944 | .936 | .929 | .915 | .901 | .887 | .859 |
| | Loss Conversion Factor | .007 | .014 | 021 | 028 | .035 | .042 | 049 | 056 | 064 | .071 | 085 | .099 | .113 | .141 |
| 71 | Basic Premium Ratio | .992 | .984 | .977 | 969 | 961 - | .953 | 945 | .938 - | 930 - | .922 | .906- | 891 | .875 | :844 |
| | Loss Conversion Factor | .008 | .016 | 023 | 031 | 039 - | .047 | .055 | 062 | 070 | .078 | .094 | .109 | .125 | 156 |
| 70 | - Basic Premium Ratio | .991 | 983 | .974 | .966 | .957 | .948 | .940 - | 931 | .922 | .914 | .897 | 879 | 862 | .828 |
| | Loss Conversion Factor | | 017 | .026 | .034 | .043 | :052 | 060 | 069 | .078 | 086 | .103 | 121 | 138 | 172 |
| 5 9 – | Basic Premium Ratio | 991 | 981 - | .972 | 962 | .953 | .944 | .934 | 925 | .915 | 906 - | .887 — | .869 | 850 | .812 |
| | Loss Conversion Factor | .009 | 019 – | .028 | .038 | .047 | :056 | .066 | -:075 | .085 | .094 | 113 | .131 | .150 | :188 |
| 68 | Basic Premium Ratio | 990 | .980 | .970 | .960 | 950 | 940 | 930 | 920 | .910 | 900 | .880 | .860 | :840 | .800 |
| | Loss Conversion Factor | .010 | .020 | 030 - | .040 | 050 | .060 | -070 | 080 | .090 | 100 | .120 | .140 | .160 | .200 |
| 67— | Basic Premium Ratio - | .989 | 979 | 968 | 957 | .947 | .936 | 925 | .915 | .904 | 893 | .872 | .851 | .829 | .787 |
| | Loss Conversion Factor | .011 | .021 | 032 | .043 | .053 | 064 | .075 | .085 | .096 | 107 | .128 | .149 | .171 | - :213 |
| 56 | Basic Premium Ratio | .988 | .977 | 965 | .954 - | 942 | 931 – | .919 | 908 | .896 - | .885 | .862 | .839 | .816 | .770 |
| | Loss Conversion Factor | .012 | .023 | .035 | 046 | .058 | 069 | 081 | 092- | -104 | -:115 - | .138 | .161 | .184 | 230 |

| | um Premium Ratio: | | | | | | | | | | | | | | |
|--------------|---|-------------------------|-----------------------------------|------------------------------------|----------------------------------|------------------------------------|--|---|------------------------------------|----------------------------------|-------------------------------------|---------------------------------------|------------------------------------|------------------------------------|--------------------------------------|
| ize iroup | | | | | | | | | | | | | | | |
| 5 | Basic Premium Ratio | | 975 025 | .962 038 | 950 | .937 .063 | 925 075 | 912 088 | .900 | .887 .113 | .875 .125 | .850 :150 | .825 .175 | .800 - | 7 |
| 4 | Loss Conversion Factor Basic Premium Ratio | .013 | 023 973 | .960 | .030 | .003 | .919 | 906 | 892 | .113 879 | .865 | .130 | .173 | .784 | .z .7 |
| - | Loss Conversion Factor | -:013 | .027 | 040 | .054 | 067 | 081 | 094 | :108 | :121- | 135 | - :162 | .189 | .216 | 2 |
| 3 | Basic Premium Ratio | .985 | .971 | .956 | .942 | .927 | 913 | 898 | .884 | 869 | .855 | 826 | .797 | .767 | 7 |
| _ | Loss Conversion Factor | .015 | 029 | .044 | .058 | .073 | 087 | .102 | .116 | 131 | .145 | .174 | 203 - | 233 | 2 |
| 2 | Basic Premium Ratio Loss Conversion Factor | | 969 031 | 953 047 | 938 062 | .922 078 | 906 094 - | 891 109 | .875 125 | 860 - 140- | 844 156 | 813 187 | .781 .219 | 750 .250 | — :6 — :3 |
| t | Basic Premium Ratio | .983 | .966 | .949 | 932 | .915 | .898 | 881 | 864 | .847 | .830 | .797 | 763 | .729 | .6 |
| | Loss Conversion Factor | .017 | .034 | .051 | .068 | 085 | .102 | .119 | .136 | .153 | .170 | .203 | 237 | .271 | 3 |
| 0 | Basic Premium Ratio Loss Conversion Factor | .982 | 963 .037 | .945 .055 | .927 .073 | 908 092 | .890 .110 | -:872 -:128 | 853 147 | .835 .165 | 817 183 | .780 .220 | .743 .257 | .707 293 | |
| 9 | Basic Premium Ratio | .980 | 960 | .941 | .921 | 901 — | .881 | 861 | 842 | .822 | 802 | 762 | .723 | 683 | :6 |
| | Loss Conversion Factor | .020 | 040 | .059 | 079 | 099 | .119 | 139 | 158 - | .178 | .198 | 238 | .277 | .317 | : |
| 8 | Basic Premium Ratio Loss Conversion Factor | .979 | 958 042 | .936 .064 | 915 085 | - 894 106 | .873 .127 | .851 149 | 830 170 | .809 - | 788 - | 745 255 - | 703 297 | .660 - .340 - | 5 4 |
| 7 | Basic Premium Ratio | 977 | .954 | .931 | 909 | .886 | .863 | .840 | .817 | .794 | -771 | .726 | 680 | .634 | |
| | Loss Conversion Factor | .023 | .046 | .069 | 091 | .114 | .137 | -:160- | .183 | .206 | 229 | .274 | :320 | .366 | |
| 6 | Basic Premium Ratio | .976 | 951 | 927 .073 | 902 098 | .878 .122 | .853 .147 | 829 | .804 .196 | .780 .220 | 755 | .706 | 657 343 | .608 .392 | _: |
| - | Loss Conversion Factor | .024 | 049 948 | 922 | .078 -:896 | .869 | .147 | .171 .817 | .190 | .765 | .243 | 687 | .635 | .592 | |
| 5 | Basic Premium Ratio Loss Conversion Factor | .026 | .052 | .078 | .104 | .131 | .843 157 | .183 | 209 | .705 | .261 | .313 | .365 | .418 | |
| 4 | Basic Premium Ratio | .972 | 944 | .916 | .888 | 860 | 831 | .803 | .775 | .747 | 719 | .663 | .607 | :550- | |
| | Loss Conversion Factor | .028 | 056 | 084 | .112 | 140 | 169 | :197 | 225 | 253 | 281 | 337 | .393 | :450 | |
| 3 | Basic Premium Ratio Loss Conversion Factor | .970 | 940 060 | 910 090 | 880 | .850 .150 | 820 180 | 790 | 760 240 | 730 270 | .701 .299 | 641 359 | 581 419 | .521 .479 | = |
| 2 | Basic Premium Ratio | .968 | 936 | .904 | .872 | .840 | .808 | .776 | .743 | .711 | .679 | .615 | 551 | 487 | |
| | Loss Conversion Factor | .032 | .064 | .096 | .128 | :160 | .192 | .224 | .257 | .289 | 321 | .385 | 449 | 513 | |
| ι | Basic Premium Ratio Loss Conversion Factor | .965 .035 | 931 069 | .896 .104 | .862 138 | .827 .173 | .793 .207 | .758 .242 | .724 .276 | 689 | .655 345 | 586 414 | 517 483 | 448 :552 | |
| 0 | Basic Premium Ratio | .033 | 926 | .104 | .130 852 - | .173 | .779 | .742 | 705 | 668 | .631 | 557 - | 484 | :410 | ., |
| | Loss Conversion Factor | 037 | .074 | .111 | .148 | .184 | .221 | .258 | .295 | :332 | :369 | 443~ | 516 | :590 | |
| 9 | Basic Premium Ratio | .960- | 921 | .881 | .842- | 802 | .762 .238 | .723 .277 | 683 .317 | 644 356 | .604 .396 | .525 .475 | 446 | -:366 -:634 | -: |
| 0 | Loss Conversion Factor | .040 | 079 915 | .119 | .158 - 830 - | .178 | .236 .745 | .277 703 | 660 | .530 | .576 | 4 73 | :406 | .034 | |
| 8 | Basic Premium Ratio Loss Conversion Factor | .042 | .085 | .127 | 830 170 | .768 | .255 | .703 | 340 | .382 | .424 | 509 | .594 | 679 | |
| 7 | Basic Premium Ratio | .954 | .909 - | 863 | .817 | 771 | 726 | .680 | .634 | .588 | .543 | .451 | .360 | .268 | —. |
| | Loss Conversion Factor | .046 | .091 | 137 | .183 | 229 | 274 | 320 | 366 | .412 | .457 | 549 | .640 | .732 | |
| 6 | Basic Premium Ratio Loss Conversion Factor | | .902 .098 | 852 :148 | .803 197 | .754 .246 | 705 295 | 656 344 | | .557 .443 | .508 .492 | .410 590- | 312 688 | .213 .787 | ! |
| 5 | Basic Premium Ratio | .947 | 894 | .841 | .788 | .735 | .682 | .629 | .576 | .523 | .470 | .364 | .258 | 152 | : |
| | Loss Conversion Factor | .053 | .106 | .159 | 212 | .265 | 318 - | 371 | .424 | 477 | .530 | :636 | 742 | :848 | —: |
| 4 | Basic Premium Ratio Loss Conversion Factor | .943 | 886 114 | .829 .171 | .772 - 228 | 715 285 | 657- - .343 - | 600 - | 543 457 | .486 .514 | 429 - .571 | 315 685- | .201 .799 | 914 | |
| 3 | Basic Premium Ratio | .939 | .877 | .816 | .754 | .693 | 631 | 570- | .508 | .447 | .385 | 262 | .140 | .017 | |
| | Loss Conversion Factor | .061 | .123 | .184 | .246 | 307 | .369 | 430 - | .492 | .553 | .615 | .738 | .860 - | .983 | ! |
| 2 | Basic Premium Ratio | | .867 133 | 800 | .734 .266 | .667 .333 | .601 | .534 .466 | 468 532 | .401 599 | 335 665 | . 202 . 798 | 932 | 000 | —.(|
| 1 | Loss Conversion Factor Basic Premium Ratio | .928 | 133 856 | .784 | .712 | | .568 | .496 | 424 | 352 | .003 280 | .137 | 000- | .000 | ·. ——(|
| | Loss Conversion Factor | .072 | .144 | - 216 | 288 | 360 | .432 | .504 | .576 | .648 | .720 | .863 | .997 | 942 | |
| 0 | Basic Premium Ratio | .922 | .845 | .767 | .689- | 612 | .534 | .457 | .379 | 301 | 224 776 | .068 | | 000 | |
| | Loss Conversion Factor | .078 | 155 | .233 | .311 | .388 - | 466 | 543 | 621 - | 699 | | 932 - | 964 | 912 - | 1 |
| 9 | Basic Premium Ratio Loss Conversion Factor | | 831 169 | .747 .253 | .663 .337 | 579 421 | .494 506 | 410 - - .590 - | 326 — 674 | 241 759 | .157 .843 | 000 - .993 - | 000 | 886 | |
| 8 | Basic Premium Ratio | .909 | .817 | .726 | :634 | .543 | .451 | :360 | .268 | .177 | 085 | 000 | 000 | .000 | |
| | Loss Conversion Factor | 091 | .183 | .274 | .366 | .457 | .549 | 640 | .732 | .823 | .915 | 961 | .903 – | .862 | |
| 7 | Basic Premium Ratio Loss Conversion Factor | .901 | 802 198 | .703 | 603 397 | .504 - .496 - | 405 - 595 - | 306 694 | 207 793 | 108 892 | 008 992 | 000 930 | 000 | .000 838 | |
| 6 | Basic Premium Ratio | .892 | .783 | .675 | : 567 | .459 | .350 | 242 | 134 | 026 | 000 | 000 | .000 | 000 | |
| | Loss Conversion Factor | .108 | .217 | .325 | 433 – | .541 | 650 | 758 | :866 | 974 | 967 | .902 | .854 | .819 | -: |
| 5 | Basic Premium Ratio | .882 | 764 | .646 | .528 | .410 - | .292 - | 174 | .056- | .000 | 000 | 000 | .000- | | —.(|
| | Basic Premium Ratio Loss Conversion Factor | .882 118 | 764 236 | . | . 528 .472 | 410 5 90 | 292 - .708 - | 174 826 | .056 .944 | .000 .971 | 000 933 | .000 874 | .830 .830 | | . 000 . 798 |

1 25

1.30

1.35

1.45

140

1.50

1.60

1.70

1.20

1.05

Maximum Premium Ratio:

1.10

1.15

1.80

2.00

Size Group 000 Basic Premium Ratio 000 440 778 44 Basic Premium Ratio 856 717 568 280 117 000 -AAA 000 non 000 nnn ana 288 437 576 720 863 907 975 825 764 777 32 **Basic Premium Ratio** 68 522 362 203 04 .000 -000 000 000 000 ana nnn nnn .319 478 .638 797 957 Loss Conversion Facto 959 914 878 850 805 774 749 715 31 .000 Basic Premium Ratio .000 .000 .000 000 .000 :000 .000 000 926 828 786 758 .736 706 30 Basic Premium Ratio 90 000 Loss Conversion Facto 197 201 787 98 807 29 Rasic Premium Ratio 780 560 340 000 000 000 000 000 000 ممم 000 200 440 713 Loss Conversion Factor 220 660 881 967 917 870 835 800 788 755 732 688 508 262 .000 000 28 Basic Premium Ratio .017 .000 000 :000 .000 .000 .000 .000 :000 246 492 .933 738 983 882 Loss Conversion Factor 843 813 790 769 739 717 700 677 721 .000 .000 Basic Premium Ratio 000 .000 000 000 .000 000 .000 .000 .000 Loss Conversion Facto .277 .830 903 856 820 792 751 721 701 .684 662 Basic Premium Ratio 400 170 049 000 000 nnn nnn 000 .000 .000 .000 ana Loss Conversion Factor 311 621 917 917 875 648 292 -nna 25 Rasic Premium Ratio 646 ana -000 ഹഹ AAA nnn 000 ana nnn nna 000 000 .983 Loss Conversion Facto .154 708 903 848 807 776 752 711 716 691 677 658 639 Basic Premium Ratio .000 000 .000 :000 000 .000 :000 000 000 :000 .000 .000 405 820 758 736 704 681 Loss Conversion Factor .652634.000 Basic Premium Ratio .000 .000 .000 .000 486 960 905 631 22 Basic Premium Ratio 426 000 000 AAA nnn nnn 000 AAA aaa 000 000 960 775 707 682 000 .000 000 000 000 000 ooo 000 21 Basic Premium Ratio 262 nnn nnn nnn AAA -000 738 788 696 657 645 623 20 **Basic Premium Ratio** .000 .000 .000 000 .000 .000 000 .000 .000 000 000 Loss Conversion Facto 630 663 Basic Premium Ratio **AAA** -000 -nne ann 000 000 000 000 .000 983 854 748 .720 000 -000 18 Basic Premium Ratio 000 000 AAA 000 ooo 000 nnn AAC 000 AAA 000 ഹഹ Loss Conversion Factor .954 829 $\frac{768}{}$ 711 704 685 670 660 647 611 624 618 610 .000 .000 .000 Basic Premium Ratio .000 ooc 000 000 000 aaa 000 000 000 000 000 748 :659 649 635 .625Loss Conversion Factor .618 .614.605Basic Premium Ratio .000 .000 16 000 000 .000 000 .000 .000 .000 000 .000 634 603 661 40 .619 609 Basic Premium Ratio nna .000 000 Loss Conversion Factor 845 710 nna 000 Basic Premium Ratio 000 nnn **nnn** 000 000 ana non nna -000 **AAA** ana Loss Conversion Facto 832 742 695 671 656 645 636 630623 619 613 608 605 600 Basic Premium Ratio .000 +3 .000 000 .000 000 000 000 .000 .000 .000 000 000 000 000 Loss Conversion Facto 818 .727.678 .661 649 639 632:626 621 .606 .604 599 .617 .610 Basic Premium Ratio .000 000 .000 one 000 000 000 000 000 .000 .000 .000 000 .802 709 666 642 627 622 618 .604 603 614 609 Basic Premium Ratio ann - AAA **AAA nor** 000 000 000 000 .000 oor .000 Loss Conversion Facto 786 489 456 .636 629 .623 615 603 .601 597 .000 .000 000 000 000 000 10 Basic Premium Ratio 000 ana 000 ana ana 000 000 nnn .768 646 638 630 624 619 616 612 609 605 602 600 507 .000 .000 Basic Premium Ratio .000 .000 .000 000 000 000 000 .000 .000 000 Loss Conversion Facto .625 .620 616 613 .610 .607603 601 .599 :596 nnn 000 .000 .000 .000 000 .000 .000 .000 607 .605 602 600 610 Basic Premium Ratio 000 000 000 -000 .000 499 630 Basic Premium Ratio .000 .000 000 .000 000 000 nna AAA ana nna nnn ana Loss Conversion Facto 670 611 608 606 404 607 ((1) 596 Basic Premium Ratio 000 000 000 .000 .000 000 oor 000 000 000 .000 000 ഹവ nna .630 607 .605 600 604 .601 598 596 595 594)) Basic Premium Ratio 84 .998 .995 .992 990 .985 974 .988 .980 .987 .983 967 Loss Conversion Facto .00 .005 .007 .008 .010 .012 .013 .015 .017 .020 .023 .026 .033

| Maxir | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Size Group |) | | | | | | | | | | | | | | |
| 83 | Basic Premium Ratio Loss Conversion Factor | .998 | .996 | .995 | .993 | .991 | .989 | .987 | .986 | .984 | .982 | .978 | .975 .025 | .971 | .964 .036 |
| 82 | Basic Premium Ratio Loss Conversion Factor | .998 | .996 | .994 | .992 | .990 .010 | .988 | .986 | .984 | .982 | .980 | .977 | .973 .027 | .969 .031 | .961 |
| 81 | Basic Premium Ratio | .998 | .996 | .994 | .991 | .989 | .987 | .985 .015 | .983 | .981 | .979 | .974 | .970 | .966 | .957 |
| 80 | Loss Conversion Factor Basic Premium Ratio | .998 | .995 | .993 | .991 | .989 | .986 | .984 .016 | .982 | .980 | :977 \ .023 | .973 | .968 | .964 | .955 |
| 79 | Loss Conversion Factor Basic Premium Ratio | .998 | .995 | .993 | .990 | .988 | .986 | .983 | .981 | .978 | .976 | .971 | .966 | .961 | .952 |
| 78 | Loss Conversion Factor Basic Premium Ratio | .997 | .995 | .992 | .989 | .987 | .984 | .982 | .979 | .976 | .024 | .029 | .963 | .958 | .947 |
| 77 | Loss Conversion Factor Basic Premium Ratio | .997 | .994 | .008 | .988 | .985 | .016 .982 | .979 | .021 .976 | .973 | .026 .971 | .965 | .959 | .953 | .053 |
| 76 | Loss Conversion Factor Basic Premium Ratio | .003 | .994 | .009 | .988 | .985 | .982 | .979 | .975 | .027 | .029 | .963 | .041 .957 | .951 | .059 |
| | Loss Conversion Factor | .003 | .006 | .009 | .012 | .015 | .018 | .021 | .025 | .028 | .031 | .037 | .043 | .049 | .061 |
| 75 | Basic Premium Ratio Loss Conversion Factor | .003 | .006 | .990 | .987 .013 | .984 .016 | .981 .019 | .022 | .975 | .029 | .968 | .962 .038 | .956 .044 | .949 .051 | .063 |
| 74 | Basic Premium Ratio Loss Conversion Factor | .997 .003 | .993 .007 | .990 .010 | .986 .014 | .983 | .979 .021 | .976 .024 | .972 .028 | .969 .031 | .965 .035 | .959 .041 | .952 .048 | .945 .055 | .931 .069 |
| 73 | Basic Premium Ratio Loss Conversion Factor | .996 .004 | .993 .007 | .989 .011 | .985 .015 | .981 .019 | .978 .022 | .974 .026 | .970 .030 | .966 .034 | .963 .037 | .955 .045 | .948 .052 | .940 .060 | .925 .075 |
| 72 | Basic Premium Ratio Loss Conversion Factor | .996 .004 | .992 | .988 | .983 | .979 .021 | .975 .025 | .971 | .967 | .963 | .959 .041 | .950 | .942 | .934 | .917 |
| 71 | Basic Premium Ratio Loss Conversion Factor | .995 .005 | .991 | .986 | .982 | .977 | .972 | .968 | .963 | .958 | .954 | .945 .055 | .935 .065 | .926 .074 | .908 |
| 70 | Basic Premium Ratio | .995 | .990 | .985 | .980 | .974 | .969 | .964 .036 | .959 | .954 | .949 | .939 | .928 | .918 | .898 |
| 69 | Loss Conversion Factor Basic Premium Ratio | .994 | .989 | .983 | .978 | .972 | .967 | .961 | .956 | .950 | .945 | .933 | .922 | .911 | .889 |
| 68 | Loss Conversion Factor Basic Premium Ratio | .994 | .988 | .017 .982 | .022 .977 | .028 .971 | .965 | .959 | .953 | .050 .947 | .055 .941 | .930 | .078 .918 | .906 | .883 |
| 67 | Loss Conversion Factor Basic Premium Ratio | .994 | .988 | .018 .981 | .023 | .969 | .963 | .041 .957 | .047 .950 | .053 | .938 | .070 .926 | .082 | .901 | .876 |
| | Loss Conversion Factor | .006 | .987 | .019 | .025 | .031 .966 | .960 | .953 | .946 | .939 | .933 | .074 .919 | .906 | .099 | .124 |
| 66 | Basic Premium Ratio Loss Conversion Factor | .007 | .013 | .980 .020 | .027 | .034 | .040 | .047 | .054 | .061 | .067 | .081 | .094 | .108 | .135 |
| 65 | Basic Premium Ratio Loss Conversion Factor | .993 .007 | .985 .015 | .978 .022 | .971 .029 | .964 .036 | .956 .044 | .051 | .058 | .065 | .927 .073 | .087 | .102 | .884 .116 | .855 |
| 64 | Basic Premium Ratio Loss Conversion Factor | .992 .008 | .984 .016 | .977 .023 | .969 .031 | .961 .039 | .953 .047 | .946 .054 | .938 | .930 .070 | .922 .078 | .907 .093 | .891 .109 | .875 .125 | .844 .156 |
| 63 | Basic Premium Ratio Loss Conversion Factor | .992 .008 | .983 .017 | .975 .025 | .967 .033 | .959 .041 | .950 .050 | .942 .058 | .934 .066 | .925 .075 | .917 .083 | .900 .100 | .884 .116 | .867 .133 | .834 .166 |
| 62 | Basic Premium Ratio Loss Conversion Factor | .991 | .982 | .973 | .964 | .956 .044 | .947 | .938 | .929 | .920 | .911 | .893 | .876 .124 | .858 .142 | .822 |
| 61 | Basic Premium Ratio Loss Conversion Factor | .990 | .981 | .971 | .962 | .952 | .943 | .933 | .923 | .914 | .904 | .885 | .866 | .847 | .808 |
| 60 | Basic Premium Ratio | .990 | .979 | .969 | .958 | .948 | .937 | .927 | .917 | .906 | .896 | .875 | .854 | .833 | .791 |
| 59 | Loss Conversion Factor Basic Premium Ratio | .010 .989 | .021 .977 | .966 | .955 | .943 | .932 | .920 | .909 | .898 | .886 | .864 | .841 | .167 .818 | .773 |
| 58 | Loss Conversion Factor Basic Premium Ratio | .988 | .023 .975 | .963 | .045 .951 | .057 | .926 | .080 .914 | .991 | .102 | .114 .877 | .136 .852 | .159 .827 | .803 | .753 |
| 57 | Loss Conversion Factor Basic Premium Ratio | .987 | .025 | .960 | .946 | .933 | .074 | .906 | .099 | .879 | .866 | .148 | .812 | .785 | .732 |
| | Loss Conversion Factor | .013 | .027 | .040 | .054 | .067 | .081 | .094 | .107 | .121 | .134 | .161 | .188 | .215 | .268 |
| 56 | Basic Premium Ratio Loss Conversion Factor | .986 | .029 | .957 | .942 .058 | .928 .072 | .087 | .899 .101 | .116 | .130 | .145 | .826 | .797 | .768 | .710 .290 |
| 55 | Basic Premium Ratio Loss Conversion Factor | .984 .016 | .969 .031 | .953 .047 | .938 .062 | .922 .078 | .906 .094 | .891 | .875 .125 | .860 | .844 .156 | .813 .187 | .782 .218 | .750 .250 | .688 |
| 54 | Basic Premium Ratio Loss Conversion Factor | .983 | .967 | .950 .050 | .933 | .917 .083 | .900 | .883 | .867 | .850 .150 | .833 .167 | .800 | .767 | .733 | .667 |
| 53 | Basic Premium Ratio Loss Conversion Factor | .982 | .964 | .947 | .929 | .911 | .893 | .876 | .858 | .840 | .822 | .787 | .751 | .717 | .646 |
| | 2033 CONVERSION FACTOR | .010 | .000 | .003 | .071 | .009 | .107 | .124 | .144 | .100 | .1/0 | .413 | .277 | 203 | .554 |

| Maxim | um Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|---|--------------|--------------|----------------------|--------------|--------------|--------------|----------------|--------------|--------------|----------------------|---------------|--------------|--------------|--------------|
| Size Group | | | | | | | | | | | | | | | |
| 52 | Basic Premium Ratio Loss Conversion Factor | .981 .019 | 962 | .943 | .924 .076 | .905 .095 | .887 | .868 | .849 .151 | .830 | .811 | .773 | .735 | .697 | .622 |
| 51 | Basic Premium Ratio Loss Conversion Factor | .980 .020 | .960 .040 | .940 | .919 .081 | .899 | .879 | .859 | .839 | .819 | .798 | .758 | .718 | .677 | .597 |
| 50 | Basic Premium Ratio Loss Conversion Factor | .978 .022 | .957 | .935 .065 | .913 .087 | .891 .109 | .870 .130 | .848 | .826 .174 | .804 | .783 | .739 | .696 | .652 | .565 |
| 49 | Basic Premium Ratio Loss Conversion Factor | .977 .023 | .954 .046 | .930 .070 | .907 .093 | .884 | .861 | .837 .163 | .814 .186 | .791 | .768 | .721 .279 | .675 | .628 | .535 |
| 48 | Basic Premium Ratio Loss Conversion Factor | .975 .025 | .950 .050 | .926 .074 | .901 .099 | .876 .124 | .851 .149 | .826 | .801 | .777 | .752 .248 | .702 .298 | .652 | .603 | .503 |
| 47 | Basic Premium Ratio Loss Conversion Factor | .973 .027 | .947 .053 | .920 .080 | .893 .107 | .867 | .840 .160 | .814 .186 | .787 | .760 .240 | .734 | .680 | .627 | .574 | .467 |
| 46 | Basic Premium Ratio Loss Conversion Factor | .972 .028 | .943 .057 | .915 .085 | .887 .113 | .859 .141 | .830 .170 | .802 .198 | .774 .226 | .745 | .7 <u>17</u> .283 | .660 | .604 | .547 .453 | .434 |
| 45 | Basic Premium Ratio Loss Conversion Factor | .970 .030 | .940 | .910 .090 | .880 | .850 .150 | .820 .180 | .790 .210 | .760 | .730 .270 | .700 | .640 | .579 .421 | .519 .481 | .399 |
| 44 | Basic Premium Ratio Loss Conversion Factor | .960 .032 | .936 .064 | .904 .096 | .872 .128 | .840 .160 | .808 | .776 .224 | .744 .256 | .712 | .680 | .616 | .552 .448 | .488 | .360 |
| 43 | Basic Premium Ratio Loss Conversion Factor | .966 .034 | .932 .068 | .898 .102 | .864 | .829 .171 | .795 .205 | .761 · .239 | .727 .273 | .693 .307 | .659 .341 | .591 .409 | .522 .478 | .454 .546 | .318 |
| 42 | Basic Premium Ratio Loss Conversion Factor | .963 .037 | .926 .074 | .889 | .853 .147 | .816 .184 | .779 .221 | .742 .258 | .705 .295 | .668 | .631 .369 | .558 .442 | .484 .516 | .410 .590 | .263 |
| 41 | Basic Premium Ratio Loss Conversion Factor | .960 .040 | .920 .080 | .880 .120 | .840 | .799 .201 | .759 .241 | .719 .281 | .679 .321 | .639 .361 | .599 .401 | .519 .481 | .438 .562 | .358 | .198 |
| 40 | Basic Premium Ratio Loss Conversion Factor | .957 .043 | .913 .087 | .870 .130 | .826 .174 | .783 .217 | .739 .261 | .696 .304 | .652 .348 | .609 .391 | .565 | .479 .521 | .392 | .305 .695 | .131 |
| 39 | Basic Premium Ratio Loss Conversion Factor | .953 .047 | .906 .094 | .859 .141 | .812 .188 | .765 .235 | .717 | .670 .330 | .623 .377 | .576 .424 | .529 .471 | .435 .565 | .659 | .754 | .058 |
| 38 | Basic Premium Ratio Loss Conversion Factor | .949 .051 | .898 .102 | .847 .153 | .796 .204 | .745 .255 | .694 .306 | .643 .357 | .592 .408 | .541 .459 | .490 .510 | .387 | .285 .715 | .183 | .000 |
| 37 | Basic Premium Ratio Loss Conversion Factor | .944 .056 | .889 .111 | .833 .167 | .777 .223 | .721 .279 | .666 | .610 .390 | .554 .446 | .498 .502 | .443 .557 | .331 | .220 .780 | .108 | .000 |
| 36 | Basic Premium Ratio Loss Conversion Factor | .940 .060 | .880 .120 | .820 .180 | 761 239 | .701 .299 | .641 .359 | .581 .419 | .521 .479 | .461 .539 | .402 | .282 .718 | .162 .838 | .043 .957 | .000 |
| 35 | Basic Premium Ratio Loss Conversion Factor | .935 .065 | .870 .130 | .804 .196 | .739 .261 | .674 .326 | .609 .391 | .544 .456 | .479 .521 | .413 .587 | .348 | .218 .782 | .087 .913 | .000 | .933 |
| 34 | Basic Premium Ratio Loss Conversion Factor | .929 .071 | .858 .142 | .787 | .717 | .646 .354 | .575 .425 | .504 .496 | .433 .567 | .362 .638 | .291 .709 | .150 .850 | .992 | .000 | .000 |
| 33 | Basic Premium Ratio Loss Conversion Factor | .922 .078 | .845 .155 | .767 | .689 .311 | .612 | .534 .466 | .456 .544 | .379 .621 | .301 .699 | .777 | .068 .932 | .000 .977 | .000 .945 | .900 |
| 32 | Basic Premium Ratio Loss Conversion Factor | .916 .084 | .832 .168 | .747 .253 | .663 | .579 | .495 .505 | .410 .590 | .326 .674 | .242 .758 | .158 | .000 .997 | .000 | .000 | .000 |
| 31 | Basic Premium Ratio Loss Conversion Factor | .908 .092 | .816 .184 | .72 4 .276 | .632 .368 | .540 .460 | .448 .552 | .356 .644 | .264 .736 | .172 | .080 .920 | .000 .972 | .000 | .000 .911 | .000 .873 |
| 30 | Basic Premium Ratio Loss Conversion Factor | .900 .100 | .799 .201 | .699 .301 | .598 .402 | .498 .502 | .397 .603 | .297 .703 | .196 | .096 .904 | .000 .999 | .000 .953 | .000 .920 | .000 .895 | .000 |
| 29 | Basic Premium Ratio Loss Conversion Factor | .889 | .779 .221 | .668 | .558 | .553 | .336 .664 | .226 .774 | .115 .885 | .005 .995 | .000 .974 | .000 | .000 .906 | .000 .882 | .000 .851 |
| 28 | Basic Premium Ratio Loss Conversion Factor | .878 .122 | .757 | .635 .365 | .513 .487 | .392 .608 | .270 .730 | .148 .852 | .027 .973 | .000 | .000 | .000 | .000 .887 | .000 | .000 |
| 27 | Basic Premium Ratio Loss Conversion Factor | .865 .135 | .730 .270 | .594 .406 | .459 .541 | .324 .676 | .189 .811 | .054 .946 | .000 .981 | .000 .952 | .000 | .000 | .000 | .000 847 | .000 |
| 26 | Basic Premium Ratio Loss Conversion Factor | .849 .151 | .699 .301 | .548 .452 | .398 | .247 .753 | .097 .903 | .000 | .000 | .000 .929 | .000 .906 | .000 | .000 | .000 | .000 |
| 25 | Basic Premium Ratio Loss Conversion Factor | .832 .168 | .664 .336 | .497 .503 | .329 .671 | .161 | .000 | .000 .961 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| 24 | Basic Premium Ratio Loss Conversion Factor | .812 | .624 .376 | .436 .564 | .247 .753 | .059 .941 | .000 .971 | .000 | .000 | .000 | .000 .874 | .000 | .000 | .000 | .000 |
| 23 | Basic Premium Ratio Loss Conversion Factor | .788 .212 | .576 .424 | .363 .637 | .151 .849 | .000 .986 | .000 .947 | .000 .915 | .000 .892 | .000 .873 | .000 .856 | .000 | .000 | .000 | .000 |
| 22 | Basic Premium Ratio Loss Conversion Factor | .757 .243 | .513 .487 | .270 .730 | .027 .973 | .000 | .000 .924 | .000 | .000 .875 | .000 | .000 | .000 | .000 | .000 | .000 |
| | | | | | | | | | | | | - | | | |

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| Maxim | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|------------------------|------|-------|------|------|------|-------|------|------|------|------|-------|------|------|------|
| Size Group | | | | | | | | | | | | | | | |
| 21 | Basic Premium Ratio | .719 | .438 | .158 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000_ | .000 | .000 | .000 |
| | Loss Conversion Factor | .281 | .562 | .842 | .976 | .933 | .904 | .880 | .861 | .844 | .832 | .813 | .799 | .788 | .771 |
| 20 | Basic Premium Ratio | .674 | .348_ | .022 | .000 | .000 | .000_ | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .326 | .652 | .978 | .952 | .913 | .884 | .862 | .846 | .831 | .820 | .803 | .790 | .780 | .766 |
| 19 | Basic Premium Ratio | .622 | .245 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .378 | .755 | .979 | .926 | .891 | .865 | .845 | .831 | .818 | .807 | .792 | .780 | .772 | .760 |
| 18 | Basic Premium Ratio | .562 | .124 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .438 | .876 | .951 | .904 | .871 | .849 | .830 | .816 | .805 | .796 | .782 | .772 | .764 | 755 |
| 17 | Basic Premium Ratio | .479 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .521 | .995 | .926 | .883 | .853 | .832 | .816 | .803 | .794 | .786 | .773 | .765 | .759 | .750 |
| 16 | Basic Premium Ratio | .374 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .626 | .962 | .902 | .863 | .837 | .818 | .803 | .793 | .784 | .777 | .767 | .759 | .753 | .746 |
| 15 | Basic Premium Ratio | .226 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| <u> </u> | Loss Conversion Factor | .774 | .943 | .879 | .844 | .822 | .806 | .793 | .783 | .775 | .770 | .760 | .755 | .749 | .743 |
| 14 | Basic Premium Ratio | .148 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .852 | .918 | .859 | .830 | .812 | .798 | .787 | .779 | .771 | .766 | .757 | .752 | .748 | .742 |
| 13 | Basic Premium Ratio | .058 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| <u></u> | Loss Conversion Factor | .942 | .899 | .839 | .818 | .803 | .791 | .782 | .775 | .767 | .764 | .755 | .750 | .746 | .741 |
| 12 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .992 | .877 | .825 | .808 | .795 | .784 | .776 | .770 | .764 | .760 | .753 | .748 | .745 | .740 |
| 11 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| <u></u> | Loss Conversion Factor | .972 | .861_ | .811 | .798 | .787 | .778 | .771 | .766 | .761 | .757 | .751 | .747 | .743 | .739 |
| 10 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .950 | .831 | .799 | .789 | .780 | .773 | .766 | .761 | .757 | .754 | .749_ | .745 | .742 | .738 |
| 9 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .930 | .802 | .791 | .782 | .773 | .767 | .762 | .758 | .754 | .752 | .747 | .743 | .741 | .737 |
| 8 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| - | Loss Conversion Factor | .899 | .791 | .781 | .774 | .767 | .762 | .758 | .754 | .751 | .749 | .744 | .742 | .740 | .736 |
| 7 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .865 | .780 | .773 | .767 | .762 | .757 | .754 | .751 | .748 | .747 | .743 | .740 | .739 | .736 |
| 6 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| <u>-</u> | Loss Conversion Factor | .829 | .773 | .766 | .760 | .757 | .752 | .750 | .747 | .745 | .744 | .741 | .739 | .737 | .735 |
| 5 | Basic Premium Ratio | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 | .000 |
| | Loss Conversion Factor | .779 | .763 | .758 | .755 | .751 | .749 | .747 | .744 | .742 | .741 | .738 | .737 | .736 | .735 |

NEW SECTION

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN AI MINIMUM PREMIUM RATIOS BASIC PREMIUM RATIO = .052 LOSS CONVERSION FACTOR = .692 Effective January I, 1986

| Maximum Premium | 1.05 | | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.23 | 1.30 | | 1.40 | 1.45 | 1.50 | 1.00 | 1.70 | | |
| Size Group | | | | | | | | | | | | | | |
| 84 | .996 | .990 | .986 | .982 | .978 | .973 | .969 | .966 | .961 | .957 | .949 | .941 | .933 | .919 |
| 83 | .996 | .989 | .985 | .981 | .976 | .971 | .967 | .963 | .958 | .954 | .945 | .936 | .928 | .913 |
| 82 | .995 | .989 | .984 | .979 | .974 | .969 | .964 | .960 | .955 | .950 | .941 | .932 | .924 | .908 |
| 81 | .995 | .988 | .983 | .978 | .973 | .966 | .962 | .957 | .952 | .947 | .937 | .927 | .919 | .902 |
| 80 | .995 | .987 | .981 | .976 | .971 | .964 | .959 | .955 | .949 | .944 | .934 | .923 | .914 | .896 |
| 79 | .994 | .986 | .980 | .975 | .969 | .962 | .957 | .952 | .946 | .940 | .930 | .919 | .909 | .891 |
| 78 | .994 | .985 | .979 | .973 | .967 | .960 | .954 | .949 | .943 | .937 | .926 | .914 | .904 | .885 |
| 77 | .993 | .984 | .978 | .972 | .965 | .958 | .952 | .946 | .940 | .933 | .922 | .910 | .900 | .880 |
| 76 | .993 | .984 | .977 | .970 | .964 | .956 | .949 | .943 | .937 | .930 | .918 | .905 | .895 | .874 |
| 75 | .993 | .983 | .976 | .969 | .962 | .953 | .947 | .941 | .934 | .914 | .906 | .901 | .890 | .868 |
| 74 | .992 | .982 | .975 | .967 | .960 | .951 | .944 | .938 | .931 | .923 | .910 | .896 | .885 | .863 |
| 73 | .992 | .981 | .973 | .966 | .958 | .949 | .942 | .935 | .928 | .920 | .906 | .892 | .880 | .857 |
| 72 | .991 | .980 | .972 | .965 | .956 | .947 | .939 | .932 | .925 | .916 | .902 | .888 | .876 | .851 |
| 71 | .991 | .980 | .971 | .963 | .955 | .945 | .937 | .929 | .922 | .913 | .899 | .883 | .871 | .846 |
| 70 | .991 | .979 | .970 | .962 | .953 | .942 | .934 | .927 | .919 | .910 | .895 | .879 | .866 | .840 |
| 69 | .990 | .978 | .969 | .960 | .951 | .940 | .932 | .924 | .916 | .906 | .891 | .874 | .861 | .834 |

WSR.85-23-077

| um | | | | | | | | | | | | | | |
|---------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|
| : | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.0 |
| Size Group | | | | | | | | | | | | | | |
| 68 | .990 | .977 | .968 | .959 | .949 | .938 | .929 | .921 | .913 | .903 | .887 | .870 | .856 | .82 |
| 67 | .989 | .976 | .967 | .957 | .948 | .936 | .927 | .918 | .910 | .899 | .883 | .866 | .851 | .82 |
| 66 65 | .989 .989 | .976 .975 | .966 .964 | .956 .954 | .946 .944 | .934 .932 | .92 4 .921 | .915 .913 | .907 .903 | .896 .893 | .879 .875 | .861 .857 | .847 .842 | .81 18. |
| 64 | .988 | .974 | .963 | .953 | .942 | .929 | .919 | .910 | .900 | .889 | .871 | .852 | .837 | .80 |
| 63 | .988 | .973 | .962 | .951 | .940 | .927 | .916 | .907 | .897 | .886 | .867 | .848 | .832 | .80 |
| 62 | .987 | .972 | .961 | .950 | .939 | .925 | .914 | .904 | .894 | .882 | .864 | .844 | .827 | .79 |
| 61 | .987 | .971 | .960 | .948 | .937 | .923 | .911 | .901 | .891 | .879 | .860 | .839 | .823 | .78 |
| 60 59 | .987 .986 | .971 .970 | .959 | .947 | .935 | .921 | .909 | .899 | .888 | .875 | .856 | .835 | .818 | .78 |
| 58 | .986 | .969 | .958 .957 | .945 .944 | .933 .931 | .918 .916 | .906 .904 | .896 .893 | .885 .882 | .872 .869 | .852 .848 | .830 .826 | .813 .808 | .77 .77 |
| 57 | .985 | .968 | .955 | .942 | 930 | .914 | .901 | .890 | .879 | .865 | .844 | .821 | .803 | 76 |
| 56 | .985 | .967 | .954 | .941 | .928 | .912 | .899 | .887 | .876 | .862 | .840 | .817 | .798 | .76 |
| 55 | .985 | .967 | .953 | .940 | .926 | .910 | .896 | .885 | .873 | .859 | .836 | .813 | .794 | .75 |
| 54 | .984 | .966 | .952 | .938 | .924 | .908 | .894 | .882 | .870 | .856 | .834 | .810 | .791 | .75 |
| 53 52 | .984 .983 | .965 .964 | .951 .950 | .937 .935 | .922 .921 | .905 .903 | .892 .890 | .880 | .867 | .853 | .831 | .807 | .787 | .75 |
| 51 | .983 | .963 | .949 | .934 | .919 | .903 | .888 | .878 .875 | .864 .862 | .851 .848 | .828 .825 | .804 .801 | .784 .781 | .74 .74 |
| 50 | .983 | .963 | .948 | .932 | .917 | .899 | .886 | .873 | .859 | .845 | .822 | .798 | .778 | .73 |
| 49 | .982 | .962 | .946 | .931 | .915 | .897 | .883 | .871 | .857 | .843 | .819 | .795 | .774 | .7: |
| 48 | .982 | .961 | .945 | .929 | .913 | .895 | .881 | .868 | .855 | .840 | .816 | .792 | .771 | .73 |
| 47 | .981 | .960 | .944 | .928 | .912 | .894 | .879 | .866 | .852 | .837 | .813 | .789 | .768 | .72 |
| 46 45 | .981 .981 | .959 .958 | .943 .942 | .926 .925 | .910 .909 | .892 .890 | .877 .875 | .863 .861 | .850 .847 | .835 .832 | .810 .807 | .786 .783 | .765 .761 | .72 .72 |
| 44 | .980 | .958 | .941 | .923 | .907 | .888 | .873 | .859 | .845 | .829 | .804 | .780 | .758 | .71 |
| 43 | .980 | .957 | .940 | .922 | .905 | .886 | .871 | .856 | .843 | .827 | .801 | .777 | .755 | .71 |
| 42 | .980 | .956 | .939 | .921 | .904 | .884 | .869 | .854 | .840 | .824 | .798 | .774 | .752 | .71 |
| 41 | .979 | .956 | .937 | .919 | .902 | .882 | .867 | .852 | .838 | .821 | .796 | .771 | .748 | .70 |
| 40 39 | .979 .979 | .955 .954 | .936 .935 | .918 .916 | .901 .899 | .881 .879 | .865 .863 | .849 .847 | .835 | .819 | .793 | .768 | .745 | .70 |
| 38 | .978 | .954 | .934 | .915 | .897 | .877 | .860 | .845 | .833 .831 | .816 .813 | .790 .787 | .765 .762 | .742 .739 | .70 .69 |
| 37 | .978 | .953 | .933 | .914 | .896 | .875 | .858 | .842 | .828 | .811 | .784 | .759 | .735 | .69 |
| 36 | .978 | .952 | .932 | .912 | .894 | .873 | .856 | .840 | .826 | .808 | .781 | .756 | .732 | .68 |
| 35 | .978 | .951 | .930 | .911 | .892 | .871 | .854 | .838 | .824 | .806 | .779 | .754 | .730 | .68 |
| 34 | .977 .977 | .950 .950 | .929 .928 | .909 .908 | .891 | .870 | .852 | .836 | .822 | .804 | .777 | .752 | .728 | .68 |
| 33 32 | .976 | .930 | .928 | .906 | .889 .887 | .868 .866 | .850 .848 | .834 .832 | .820 .818 | .802 .799 | .775 .772 | .750 .748 | .726 .724 | .68 68. |
| 31 | .976 | .948 | .926 | .905 | .886 | .865 | .847 | .830 | .816 | .797 | .770 | .746 | .722 | .68 |
| 30 | .975 | .947 | .925 | .904 | .884 | .863 | .845 | .828 | .814 | .795 | 768 | .744 | .719 | .67 |
| 29 | .975 | .946 | .924 | .902 | .882 | .861 | .843 | .826 | .812 | .793 | .766 | .742 | .717 | .67 |
| 28 | .974 | .946 | .923 | .901 | .881 | .859 | .841 | .824 | .810 | .791 | .764 | .740 | .715 | .67 |
| 27 26 | .974 .974 | .945 .944 | .922 .921 | .899 .898 | .879 .878 | .858 .856 | .839 .837 | .822 .821 | .808 | .789 .787 | .762 .760 | .738 | .713 | .67 |
| 25 | .973 | .943 | .919 | .897 | .876 | .854 | .835 | .819 | .806 .803 | .784 | .757 | .736 .733 | .711 .709 | .67 .67 |
| 24 | .973 | .942 | .918 | .895 | .874 | .853 | .833 | .817 | .801 | .782 | .755 | .731 | .707 | .66 |
| 23 | .972 | .942 | .917 | .894 | .873 | .851 | .831 | .815 | .799 | .780 | .753 | .729 | .705 | .66 |
| 22 | .972 | .941 | .916 | .892 | .871 | .849 | .829 | .813 | .797 | .778 | .751 | .727 | .703 | .66 |
| 21 | .971 | .940 | .915 | .891 | .869 | .848 | .828 | .811 | .795 | .776 | .749 | .725 | .701 | .66 |
| 20 19 | .971 .970 | .939 .938 | .914 .913 | .890 .888 | .868 .866 | .846 .844 | .826 .824 | .809 .807 | .793 .791 | .774 .771 | .747 .744 | .723 | .698 .696 | .66 |
| 18 | .970 | .938 | .912 | .887 | .864 | .842 | .822 | .805 | .789 | .769 | .742 | .721 .719 | .694 | .66 .65 |
| 17 | .969 | .937 | .911 | .885 | .863 | .841 | .820 | .803 | .787 | .767 | .740 | .717 | .692 | .65 |
| 16 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 15 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 14 | .969 969 | .936 | .910 | .884 .884 | .861 861 | .839 830 | .818 | .801 | .785 785 | .765 765 | .738 | .715 | .690 | .65 |
| 13 12 | .969 .969 | .936 .936 | .910 .910 | .884 .884 | .861 .861 | .839 .839 | .818 .818 | .801 .801 | .785 .785 | .765 .765 | .738 .738 | .715 .715 | .690 .690 | .65 |
| 11 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 .65 |
| io | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 9 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 8 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 7 | .969 | .936 | .910 | .884 | .861 | .839 | .818 | .801 | .785 | .765 | .738 | .715 | .690 | .65 |
| 6 | .969 .969 | .936 .936 | .910 .910 | .884 .884 | .861 .861 | .839 .839 | .818 .818 | .801 .801 | .785 .785 | .765 .765 | .738 .738 | .715 .715 | .690 | .65 .65 |
| 5 | | | | | | | | | | | | | | |

NEW SECTION

WAC 296-17-91904 TABLE V.

RETROSPECTIVE RATING PLAN A2 MINIMUM PREMIUM RATIOS AND BASIC PREMIUM RATIOS LOSS CONVERSION FACTOR = .692 Effective January 1, 1986

| | | | | E | ffective J | anuary l | , 1986 | | | | | | | | |
|---------------|-----------------------|------|------|------|------------|----------|--------|------|------|------|------|------|------|------|------|
| Maxim | um Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
| Size Group | | | | | | | | | | | | | | | |
| 84 | Basic Premium Ratio | .514 | .504 | .497 | .491 | .485 | .481 | .477 | .474 | .470 | .467 | .461 | .455 | .450 | .441 |
| | Minimum Premium Ratio | .994 | .986 | .981 | .975 | .969 | .964 | .960 | .955 | .951 | .944 | .936 | .927 | .918 | .902 |
| 83 | Basic Premium Ratio | .513 | .503 | .495 | .488 | .482 | .477 | .473 | .469 | .466 | .462 | .456 | .450 | .445 | .435 |
| | Minimum Premium Ratio | .993 | .985 | .979 | .973 | .967 | .962 | .957 | .951 | .947 | .940 | .931 | .921 | .912 | .894 |
| 82 | Basic Premium Ratio | .512 | .501 | .492 | .485 | .479 | .474 | .469 | .466 | .461 | .458 | .451 | .445 | .440 | .429 |
| | Minimum Premium Ratio | .993 | .984 | .978 | .971 | .964 | .959 | .953 | .947 | .943 | .936 | .926 | .916 | .906 | .887 |
| 81 | Basic Premium Ratio | .510 | .499 | .489 | .483 | .476 | .471 | .465 | .461 | .457 | .453 | .446 | .440 | .434 | .424 |
| | Minimum Premium Ratio | .992 | .983 | .976 | .969 | .962 | .956 | .950 | .944 | .939 | .931 | .921 | .910 | .899 | .880 |
| 80 | Basic Premium Ratio | .509 | .496 | .487 | .479 | .472 | .467 | .461 | .457 | .453 | .449 | .441 | .435 | .429 | .417 |
| | Minimum Premium Ratio | .991 | .982 | .975 | .967 | .959 | .953 | .947 | .940 | .935 | .927 | .916 | .904 | .893 | .873 |
| 79 | Basic Premium Ratio | .508 | .495 | .484 | .476 | .468 | .463 | .458 | .453 | .448 | .444 | .437 | .430 | .423 | .411 |
| | Minimum Premium Ratio | .990 | .981 | .973 | .965 | .957 | .950 | .943 | .936 | .930 | .923 | .911 | .898 | .887 | .865 |
| 78 | Basic Premium Ratio | .505 | .492 | .482 | .474 | .466 | .459 | .454 | .449 | .444 | .440 | .432 | .425 | .418 | .405 |
| | Minimum Premium Ratio | .990 | .980 | .972 | .963 | .955 | .947 | .940 | .933 | .926 | .919 | .906 | .893 | .881 | .858 |
| 77 | Basic Premium Ratio | .505 | .491 | .479 | .470 | .463 | .457 | .450 | .446 | .440 | .436 | .427 | .420 | .412 | .399 |
| | Minimum Premium Ratio | .989 | .979 | .970 | .960 | .952 | .944 | .936 | .929 | .922 | .914 | .901 | .887 | .875 | .851 |
| 76 | Basic Premium Ratio | .504 | .490 | .477 | .468 | .459 | .453 | .446 | .441 | .435 | .431 | .422 | .413 | .406 | .393 |
| | Minimum Premium Ratio | .988 | .978 | .969 | .958 | .950 | .941 | .933 | .926 | .918 | .910 | .896 | .881 | .869 | .844 |
| 75 | Basic Premium Ratio | .503 | .486 | .474 | .465 | .456 | .449 | .441 | .436 | .431 | .426 | .417 | .408 | .401 | .386 |
| | Minimum Premium Ratio | .988 | .977 | .967 | .956 | .947 | .938 | .929 | .922 | .914 | .906 | .891 | .876 | .865 | .836 |
| 74 | Basic Premium Ratio | .500 | .485 | .472 | .461 | .452 | .445 | .438 | .432 | .426 | .421 | .411 | .403 | .395 | .380 |
| | Minimum Premium Ratio | .987 | .976 | .966 | .954 | .945 | .935 | .926 | .918 | .910 | .901 | .886 | .870 | .856 | .829 |
| 73 | Basic Premium Ratio | .499 | .482 | .469 | .458 | .449 | .441 | .434 | .428 | .421 | .417 | .406 | .398 | .389 | .374 |
| | Minimum Premium Ratio | .986 | .975 | .964 | .952 | .942 | .933 | .923 | .915 | .906 | .897 | .881 | .864 | .850 | .822 |
| 72 | Basic Premium Ratio | .498 | .480 | .465 | .455 | .446 | .438 | .431 | .423 | .418 | .412 | .401 | .392 | .383 | .367 |
| | Minimum Premium Ratio | .985 | .974 | .963 | .950 | .940 | .930 | .919 | .911 | .901 | .893 | .875 | .858 | .844 | .814 |
| 71 | Basic Premium Ratio | .495 | .477 | .463 | .451 | .442 | .433 | .426 | .419 | .412 | .407 | .396 | .387 | .377 | .360 |
| | Minimum Premium Ratio | .985 | .972 | .961 | .948 | .937 | .927 | .915 | .907 | .896 | .888 | .869 | .852 | .837 | .806 |
| 70 | Basic Premium Ratio | .494 | .476 | .460 | .448 | .438 | .430 | .421 | .414 | .407 | .402 | .391 | .380 | .371 | .353 |
| | Minimum Premium Ratio | .984 | .971 | .959 | .945 | .934 | .923 | .911 | .903 | .891 | .882 | .863 | .845 | .830 | .799 |
| 69 | Basic Premium Ratio | .494 | .472 | .456 | .445 | .434 | .425 | .417 | .410 | .403 | .396 | .385 | .375 | .365 | .347 |
| | Minimum Premium Ratio | .983 | .969 | .956 | .943 | .931 | .919 | .907 | .898 | .886 | .877 | .857 | .839 | .823 | .791 |
| 68 | Basic Premium Ratio | .490 | .468 | .454 | .441 | .430 | .421 | .412 | .404 | .397 | .392 | .380 | .368 | .358 | .340 |
| | Minimum Premium Ratio | .983 | .968 | .954 | .940 | .928 | .916 | .903 | .893 | .881 | .872 | .851 | .833 | .816 | .783 |
| 67 | Basic Premium Ratio | .489 | .467 | .450 | .437 | .425 | .416 | .408 | .400 | .392 | .386 | .373 | .363 | .352 | .334 |
| | Minimum Premium Ratio | .982 | .966 | .952 | .937 | .924 | .912 | .899 | .889 | .876 | .866 | .845 | .826 | .809 | .775 |
| 66 | Basic Premium Ratio | .485 | .463 | .446 | .433 | .421 | .412 | .403 | .395 | .387 | .381 | .367 | .357 | .346 | .327 |
| | Minimum Premium Ratio | .981 | .965 | .950 | .934 | .921 | .908 | .895 | .884 | .871 | .861 | .840 | .820 | .802 | .767 |
| 65 | Basic Premium Ratio | .485 | .461 | .444 | .429 | .418 | .407 | .398 | .390 | .382 | .375 | .362 | .350 | .340 | .321 |
| | Minimum Premium Ratio | .980 | .963 | .948 | .931 | .918 | .904 | .891 | .879 | .866 | .856 | .834 | .814 | .795 | .759 |
| 64 | Basic Premium Ratio | .481 | .458 | .440 | .426 | .414 | .403 | .394 | .385 | .377 | .369 | .357 | .344 | .333 | .314 |
| | Minimum Premium Ratio | .979 | .961 | .946 | .928 | .915 | .900 | .887 | .874 | .861 | .850 | .828 | .807 | .788 | .751 |
| 63 | Basic Premium Ratio | .480 | .454 | .436 | .421 | .409 | .398 | .388 | .380 | .372 | .364 | .351 | .338 | .328 | .307 |
| | Minimum Premium Ratio | .979 | .960 | .943 | .926 | .912 | .896 | .883 | .870 | .856 | .845 | .822 | .801 | .781 | .744 |
| 62 | Basic Premium Ratio | .476 | .452 | .431 | .418 | .404 | .393 | .384 | .375 | .367 | .359 | .344 | .331 | .321 | .301 |
| | Minimum Premium Ratio | .978 | .958 | .941 | .923 | .908 | .893 | .879 | .865 | .851 | .840 | .816 | .795 | .774 | .736 |
| 61 | Basic Premium Ratio | .475 | .448 | .430 | .413 | .400 | .388 | .378 | .370 | .361 | .353 | .339 | .326 | .314 | .294 |
| | Minimum Premium Ratio | .977 | .957 | .939 | .920 | .905 | .889 | .875 | .860 | .846 | .834 | .810 | .788 | .767 | .728 |
| 60 | Basic Premium Ratio | .471 | .444 | .425 | .409 | .395 | .383 | .374 | .363 | .355 | .347 | .332 | .319 | .307 | .286 |
| | Minimum Premium Ratio | .976 | .955 | .937 | .917 | .902 | .885 | .871 | .856 | .841 | .829 | .804 | .782 | .760 | .720 |
| 59 | Basic Premium Ratio | .470 | .443 | .421 | .404 | .391 | .379 | .368 | .358 | .349 | .341 | .325 | .312 | .301 | .279 |
| | Minimum Premium Ratio | .975 | .954 | .935 | .914 | .899 | .881 | .867 | .851 | .836 | .823 | .798 | .775 | .753 | .712 |
| 58 | Basic Premium Ratio | .467 | .439 | .417 | .400 | .386 | .374 | .363 | .352 | .344 | .335 | .320 | .306 | .294 | .273 |
| | Minimum Premium Ratio | .974 | .952 | .933 | .911 | .895 | .877 | .863 | .846 | .831 | .818 | .793 | .769 | .746 | .704 |
| | | | | | | | | | | | | | | | |

| Maxim | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|--|----------------------|----------------------|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------------|--------------|
| Size Group | | | | | | | | | | | | | | | |
| 57 | Basic Premium Ratio Minimum Premium Ratio | .466 .973 | .435 .951 | .412 .930 | .395 .908 | .381 .892 | .368 .873 | .357 .859 | .347 .842 | .338 .826 | .330 .813 | .313 .787 | .299 .763 | .287 .739 | .260 .690 |
| 56 | Basic Premium Ratio Minimum Premium Ratio | .462 .972 | .433 .949 | .408 .928 | .391 .905 | .376 .888 | .363 .869 | .351 .855 | .342 .837 | .331 .821 | .322 .807 | .307 .781 | .293 .756 | .281 .732 | .259 .689 |
| 55 | Basic Premium Ratio Minimum Premium Ratio | .458 .972 | .429 .947 | .403 .925 | .385 .903 | .371 .885 | .358 .866 | .346 .851 | .336 .832 | .325 .816 | .316 .802 | .300 .775 | .287 .750 | .274 .725 | .25 |
| 54 | Basic Premium Ratio Minimum Premium Ratio | .456 .971 | .424 .946 | .399 .923 | .381 .900 | .366 .881 | .353 .862 | .340 .847 | .329 .827 | .320 .811 | .311 .797 | .294 .769 | .280 .744 | .267 .718 | .240 .670 |
| 53 | Basic Premium Ratio Minimum Premium Ratio | .452 .969 | .419 .944 | .394 .920 | .376 .897 | .359 .878 | .346 .858 | .335 .843 | .323 .823 | .312 .807 | .303 .792 | .287 .764 | .274 .739 | .261 .713 | .240 .67 |
| 52 | Basic Premium Ratio Minimum Premium Ratio | .447 .968 | .415 .942 | .389 .918 | .370 .894 | .354 .874 | .340 .855 | .328 .839 | .318 .818 | .307 .803 | .298 .787 | .281 .759 | .266 .734 | .255 .708 | .234 .666 |
| 51 | Basic Premium Ratio Minimum Premium Ratio | .443 .966 | .410 .940 | .384 .915 | .365 .891 | .349 .871 | .335 .851 | .322 .834 | .310 .814 | .301 .798 | .292 .783 | .275 .755 | .260 .729 | .248 .704 | .221 .662 |
| 50 | Basic Premium Ratio Minimum Premium Ratio | .439 .965 | .405 .938 | .379 .913 | .360 .888 | .343 .867 | .329 .847 | .316 .830 | .304 .810 | .293 .794 | .285 .778 | .268 .750 | .254 .724 | .241 .699 | .221 .651 |
| 19 | Basic Premium Ratio Minimum Premium Ratio | .437 .964 | .401 .935 | .374 .910 | .355 .885 | .338 .863 | .322 .844 | .309 .826 | .298 .805 | .287 .790 | .278 .774 | .261 .745 | .247 .719 | .235 .694 | .215 .652 |
| 48 | Basic Premium Ratio Minimum Premium Ratio | .433 .962 | .396 .933 | .369 .908 | .348 .883 | .330 .860 | .316 .840 | .303 .822 | .291 .801 | .281 .786 | .271 .770 | .255 .741 | .241 .714 | .229 .689 | .208 |
| 4 7 | Basic Premium Ratio Minimum Premium Ratio | .428 .961 | .391 .931 | .364 .905 | .342 .880 | .324 .856 | .310 .837 | .297 .818 | .285 .797 | .274 .781 | .265 .765 | .248 .736 | .235 .710 | .221 .684 | .202 |
| 46 | Basic Premium Ratio Minimum Premium Ratio | .424 .959 | .386 .929 | .358 .903 | .336 .877 | .319 .853 | .303 .833 | .289 .814 | .277 .793 | .267 .777 | .258 .761 | .242 .732 | .228 .705 | .216 .680 | .197 |
| 15 | Basic Premium Ratio Minimum Premium Ratio | .419 .958 | .381 .927 | .350 | .329 .874 | .311 .849 | .296 .829 | .283 .810 | .271 .789 | .260 .773 | .251 .756 | .235 | .222 | .211 | .192 |
| 14 | Basic Premium Ratio Minimum Premium Ratio | .414 .957 | .373 .925 | .345 | .323 .871 | .304 .846 | .288 .826 | .276 .806 | .265 .785 | .254 .768 | .245 .752 | .229 | .216 .695 | .205 .670 | .186 |
| 13 | Basic Premium Ratio Minimum Premium Ratio | .409 .955 | .367 .923 | .337 .896 | .315 | .297 .842 | .282 | .269 .802 | .257 | .248 | .239 | .223 | .210 .690 | .200 .665 | .182 |
| 12 | Basic Premium Ratio Minimum Premium Ratio | .405 .954 | .362 .921 | .331 .893 | .309 .865 | .291 .839 | .275 .819 | .262 .798 | .251 .776 | .240 .760 | .232 .743 | .216 .714 | .203 .685 | .193 .661 | .175 |
| 1 1 | Basic Premium Ratio Minimum Premium Ratio | .400 .952 | .357 .919 | .326 .891 | .303 .863 | .283 .835 | .269 .815 | .256 .794 | .244 .772 | .234 .756 | .225 .739 | .210 .709 | .197 .680 | .186 .656 | .169 |
| 4 0 | Basic Premium Ratio Minimum Premium Ratio | .395 .951 | .349 .916 | .321 .888 | .295 .860 | .277 .832 | .263 .812 | .249 .790 | .238 .768 | .227 .751 | .219 .734 | .203 .705 | .190 .676 | .179 .651 | .163 |
| 39 | Basic Premium Ratio Minimum Premium Ratio | .390 .950 | .344 .914 | .312 .866 | .290 .857 | .271 .828 | .255 .808 | .242 .786 | .230 .764 | .221 .747 | .212 .730 | .196 .700 | .184 .671 | .174 .646 | .157 .603 |
| 38 | Basic Premium Ratio Minimum Premium Ratio | .385 .948 | .339 .912 | .307 .883 | .282 .854 | .263 .825 | .249 .804 | .236 .782 | .223 .760 | .214 .743 | .204 .726 | .190 .695 | .178 .666 | .167 .641 | .151 .598 |
| 37 | Basic Premium Ratio Minimum Premium Ratio | .376 .947 | .330 .910 | .298 .881 | .276 .851 | .257 .821 | .241 .801 | .228 .778 | .216 .755 | .207 .738 | .198 .721 | .183 .691 | .171 .661 | .161 .637 | .146 |
| 36 | Basic Premium Ratio Minimum Premium Ratio | .371 .945 | .324 .908 | .293 .879 | .267 .848 | .249 .819 | .235 .797 | .221 .775 | .210 .751 | .201 .736 | .192 .717 | .177 .686 | .166 .658 | .155 .632 | .140 |
| 35 | Basic Premium Ratio Minimum Premium Ratio | .362 .945 | .315 .906 | .284 .878 | .261 .847 | .240 .818 | .226 .796 | .214 .774 | .203 .750 | .193 .735 | .184 .716 | .171 .685 | .159 .658 | .150 .631 | .135 |
| 34 | Basic Premium Ratio Minimum Premium Ratio | .353 .944 | .306 .904 | .275 .876 | .252 .846 | .234 .817 | .220 .795 | .207 .773 | .196 .749 | .187 .734 | .179 .715 | .164 | .154 .657 | .144 | .130 |
| 33 | Basic Premium Ratio Minimum Premium Ratio | .347 .944 | .297 | .268 .875 | .243 | .226 .816 | .212 | .199 .772 | .189 .748 | .179 | .171 .715 | .158 | .148 | .139 | .125 |
| 32 | Basic Premium Ratio Minimum Premium Ratio | .338 .943 | .288 | .259 .874 | .237 .843 | .219 .815 | .204 .793 | .193 .771 | .182 | .173 .732 | .166 .714 | .153 | .142 | .134 | .121 |
| 31 | Basic Premium Ratio Minimum Premium Ratio | .329 .943 | .282 | .251 | .229 | .211 .814 | .197 .792 | .185 | .176 .746 | .167 | .160 | .148 | .137 .656 | .130 .632 | .117 .590 |
| 30 | Basic Premium Ratio Minimum Premium Ratio | .943 .319 .942 | .903 .273 .902 | .873 .242 .872 | .220 .840 | .205 | .191 .791 | .179 .768 | .169 .745 | .160 .730 | .154 | .141 | .132 .656 | .032 .125 .632 | .113 |
| 29 | Basic Premium Ratio | .942 .310 .942 | .902 .264 .902 | .872 .235 .870 | .213 .839 | .196 | .183 .790 | .172 | .163 | .155 | .148 | .136 | .128 | .121 | .110 |
| 28 | Minimum Premium Ratio Basic Premium Ratio | .301 | .255 | .227 | .205 | .812 | .177 | .767 | .744 | .729 .148 | .713 | .683 | .656 | .632 | .591 |
| 27 | Minimum Premium Ratio Basic Premium Ratio | .941 .295 | .901 .248 | .869 .218 | .838 .199 | .811 .182 | .789 .169 | .766 .157 | .743 .148 | .728 .141 | .712 .134 | .682 .123 | .655 .114 | .632 .106 | .592 |

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| Maxim | um Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|-----------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Size Group | | | | | | | | | | | | | | | |
| 26 | Basic Premium Ratio | .286 | .240 | .212 | .191 | .174 | .161 | .151 | .140 | .134 | .127 | .115 | .107 | .099 | .088 |
| | Minimum Premium Ratio | .940 | .900 | .867 | .835 | .809 | .787 | .764 | .741 | .726 | .712 | .682 | .655 | .632 | .593 |
| 25 | Basic Premium Ratio | .276 | .230 | .203 | .182 | .167 | .154 | .143 | .134 | .126 | .119 | .109 | .100 | .093 | .083 |
| | Minimum Premium Ratio | .940 | .899 | .866 | .834 | .808 | .786 | .763 | .740 | .725 | .711 | .682 | .654 | .632 | .594 |
| 24 | Basic Premium Ratio | .266 | .221 | .194 | .175 | .159 | .147 | .137 | .129 | .121 | .114 | .105 | .097 | .090 | .080 |
| | Minimum Premium Ratio | .939 | .899 | .865 | .833 | .807 | .785 | .762 | .739 | .724 | .711 | .681 | .654 | .632 | .595 |
| 23 | Basic Premium Ratio | .253 | .212 | .185 | .166 | .153 | .141 | .131 | .123 | .116 | .110 | .101 | .093 | .087 | .078 |
| | Minimum Premium Ratio | .939 | .898 | .863 | .831 | .806 | .784 | .761 | .738 | .723 | .710 | .681 | .654 | .633 | .596 |
| 22 | Basic Premium Ratio | .244 | .202 | .176 | .158 | .145 | .134 | .124 | .118 | .112 | .106 | .097 | .090 | .084 | .076 |
| | Minimum Premium Ratio | .939 | .898 | .862 | .830 | .805 | .783 | .760 | .737 | .722 | .710 | .681 | .653 | .633 | .596 |
| 21 | Basic Premium Ratio | .230 | .193 | .169 | .152 | .139 | .128 | .119 | .112 | .107 | .102 | .093 | .087 | .082 | .075 |
| | Minimum Premium Ratio | .935 | .897 | .861 | .829 | .804 | .782 | .759 | .736 | .721 | .709 | .680 | .653 | .633 | .597 |
| 20 | Basic Premium Ratio | .220 | .183 | .160 | .143 | .131 | .121 | .113 | .107 | .102 | .097 | .089 | .083 | .079 | .072 |
| | Minimum Premium Ratio | .930 | .896 | .860 | .828 | .803 | .781 | .758 | .735 | .720 | .709 | .680 | .653 | .633 | .598 |
| 19 | Basic Premium Ratio | .215 | .177 | .152 | .137 | .124 | .115 | .107 | .101 | .096 | .092 | .084 | .079 | .075 | .068 |
| | Minimum Premium Ratio | .924 | .891 | .859 | .826 | .802 | .780 | .757 | .734 | .719 | .708 | .680 | .652 | .633 | .599 |
| 18 | Basic Premium Ratio | .205 | .168 | .145 | .129 | .117 | .108 | .100 | .095 | .090 | .086 | .079 | .075 | .071 | .066 |
| | Minimum Premium Ratio | .919 | .887 | .858 | .825 | .801 | .779 | .756 | .733 | .718 | .708 | .679 | .652 | .633 | .599 |
| 17 | Basic Premium Ratio | .196 | .159 | .137 | .121 | .111 | .102 | .095 | .090 | .085 | .081 | .075 | .071 | .068 | .063 |
| | Minimum Premium Ratio | .913 | .882 | .853 | .824 | .800 | .778 | .755 | .732 | .717 | .708 | .679 | .652 | .633 | .599 |
| 16 | Basic Premium Ratio | .186 | .150 | .128 | .114 | .103 | .095 | .090 | .085 | .080 | .077 | .072 | .068 | .065 | .061 |
| | Minimum Premium Ratio | .908 | .877 | .849 | .822 | .799 | .777 | .754 | .731 | .716 | .707 | .679 | .651 | .633 | .599 |
| 15 | Basic Premium Ratio | .176 | .141 | .121 | .108 | .098 | .090 | .085 | .080 | .077 | .074 | .069 | .066 | .063 | .059 |
| | Minimum Premium Ratio | .902 | .872 | .845 | .820 | .798 | .776 | .753 | .730 | .715 | .707 | .678 | .651 | .633 | .599 |
| 14 | Basic Premium Ratio | .172 | .135 | .113 | .103 | .093 | .088 | .082 | .078 | .075 | .072 | .068 | .065 | .062 | .059 |
| | Minimum Premium Ratio | .897 | .868 | .841 | .817 | .795 | .774 | .752 | .729 | .714 | .706 | .678 | .651 | .634 | .598 |
| 13 | Basic Premium Ratio | .164 | .126 | .108 | .097 | .091 | .084 | .080 | .076 | .073 | .070 | .067 | .064 | .062 | .058 |
| | Minimum Premium Ratio | .892 | .863 | .837 | .813 | .791 | .771 | .751 | .728 | .713 | .706 | .678 | .650 | .634 | .598 |
| 12 | Basic Premium Ratio | .158 | .117 | .102 | .094 | .087 | .082 | .077 | .074 | .071 | .069 | .066 | .063 | .061 | .058 |
| | Minimum Premium Ratio | .886 | .858 | .833 | .810 | .788 | .769 | .749 | .727 | .712 | .705 | .677 | .650 | .633 | .597 |
| 11 | Basic Premium Ratio | .149 | .107 | .095 | .089 | .083 | .079 | .075 | .072 | .069 | .068 | .064 | .062 | .060 | .057 |
| | Minimum Premium Ratio | .881 | .853 | .829 | .806 | .785 | .766 | .748 | .726 | .711 | .705 | .676 | .650 | .632 | .597 |
| 10 | Basic Premium Ratio | .144 | .100 | .091 | .085 | .080 | .075 | .073 | .070 | .068 | .066 | .063 | .061 | .059 | .057 |
| | Minimum Premium Ratio | .875 | .849 | .825 | .802 | .782 | .763 | .746 | .725 | .710 | .704 | .675 | .650 | .632 | .597 |
| 9 | Basic Premium Ratio | .134 | .093 | .086 | .081 | .077 | .073 | .070 | .068 | .066 | .065 | .062 | .060 | .059 | .057 |
| | Minimum Premium Ratio | .870 | .844 | .820 | .799 | .779 | .761 | .744 | .724 | .709 | .704 | .674 | .649 | .631 | .596 |
| 8 | Basic Premium Ratio | .121 | .087 | .082 | .077 | .074 | .070 | .068 | .066 | .065 | .063 | .061 | .059 | .058 | .056 |
| | Minimum Premium Ratio | .864 | .839 | .816 | .795 | .776 | .758 | .741 | .723 | .708 | .704 | .673 | .649 | .630 | .596 |
| 7 | Basic Premium Ratio | .106 | .082 | .077 | .074 | .070 | .068 | .066 | .064 | .063 | .062 | .060 | .058 | .057 | .056 |
| | Minimum Premium Ratio | .859 | .834 | .812 | .792 | .773 | .755 | .739 | .722 | .707 | .703 | .671 | .649 | .630 | .596 |
| 6 | Basic Premium Ratio | .092 | .077 | .074 | .070 | .068 | .066 | .064 | .063 | .061 | .060 | .058 | .057 | .057 | .055 |
| | Minimum Premium Ratio | .853 | .830 | .808 | .788 | .770 | .753 | .737 | .721 | .706 | .695 | .670 | .648 | .629 | .595 |
| 5 | Basic Premium Ratio | .092 | .073 | .070 | .067 | .065 | .064 | .062 | .061 | .060 | .059 | .057 | .057 | .056 | .055 |
| | Minimum Premium Ratio | .848 | .825 | .804 | .785 | .767 | .750 | .734 | .720 | .705 | .693 | .669 | .648 | .629 | .595 |

NEW SECTION

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3
MINIMUM PREMIUM RATIOS
AND BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .692
Effective January 1, 1986

| Maxir | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|-----------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Size Group | | 222 | | | | | | 7.0 | | | | | | | 480 |
| 84 | Basic Premium Ratio | .820 | .813 | .793 | .783 | .777 | .766 | .759 | .732 | .736 | .727 | .722 | .706 | .694 | .673 |
| | Minimum Premium Ratio | .986 | .973 | .964 | .956 | .948 | .942 | .935 | .931 | .924 | .919 | .909 | .900 | .891 | .874 |
| 83 | Basic Premium Ratio | .820 | .812 | .790 | .780 | .772 | .760 | .753 | .728 | .730 | .721 | .715 | .698 | .685 | .663 |
| | Minimum Premium Ratio | .985 | .972 | .962 | .953 | .944 | .937 | .931 | .925 | .919 | .913 | .903 | .892 | .883 | .865 |

| Maxim | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|-----------------------|------|--------------|------|------|------|------|------|------|------|------|---------------|------|------|------|
| Size Group | • | | | | | | | | | | | | | | |
| 82 | Basic Premium Ratio | .820 | .810 | .788 | .776 | .767 | .755 | .747 | .724 | .724 | .715 | .707 | .690 | .677 | .653 |
| | Minimum Premium Ratio | .984 | .970 | .958 | .949 | .940 | .932 | .925 | .920 | .913 | .907 | .896 | .885 | .876 | .857 |
| 81 | Basic Premium Ratio | .820 | .808 | .786 | .772 | .763 | .750 | .742 | .720 | .718 | .709 | .699 | .683 | .668 | .643 |
| | Minimum Premium Ratio | .981 | .967 | .954 | .946 | .936 | .928 | .920 | .913 | .907 | .901 | .889 | .878 | .868 | .849 |
| 80 | Basic Premium Ratio | .820 | .806 | .783 | .768 | .758 | .745 | .736 | .716 | .712 | .703 | .692 | .675 | .659 | .633 |
| | Minimum Premium Ratio | .981 | .964 | .951 | .941 | .931 | .923 | .915 | .909 | .901 | .895 | .882 | .871 | .860 | .839 |
| 79 | Basic Premium Ratio | .820 | .804 | .781 | .765 | .753 | .739 | .730 | .712 | .706 | .697 | .684 | .667 | .651 | .622 |
| | Minimum Premium Ratio | .979 | .962 | .948 | .938 | .927 | .918 | .910 | .903 | .895 | .888 | .876 | .864 | .852 | .831 |
| 78 | Basic Premium Ratio | .820 | .803 | .779 | .761 | .749 | .734 | .725 | .708 | .700 | .691 | .677 | .659 | .642 | .612 |
| | Minimum Premium Ratio | .976 | .959 | .945 | .934 | .924 | .913 | .905 | .897 | .890 | .882 | .869 | .856 | .844 | .821 |
| 77 | Basic Premium Ratio | .820 | .801 | .776 | .757 | .744 | .729 | .719 | .704 | .694 | .684 | .669 | .641 | .633 | .602 |
| | Minimum Premium Ratio | .975 | .957 | .942 | .930 | .919 | .910 | .900 | .893 | .884 | .876 | .862 | .849 | .836 | .813 |
| 76 | Basic Premium Ratio | .820 | .799 | .774 | .754 | .740 | .724 | .713 | .700 | .688 | .678 | .661 | .644 | .625 | .592 |
| | Minimum Premium Ratio | .974 | .956 | .940 | .927 | .915 | .905 | .895 | .886 | .878 | .870 | .855 | .840 | .828 | .804 |
| 75 | Basic Premium Ratio | .820 | .797 | .772 | .750 | .735 | .718 | .707 | .696 | .682 | .672 | .654 | .636 | .616 | .582 |
| | Minimum Premium Ratio | .974 | .952 | .936 | .923 | .911 | .899 | .889 | .881 | .872 | .863 | .848 | .833 | .820 | .794 |
| 74 | Basic Premium Ratio | .820 | .795 | .769 | .746 | .730 | .713 | .702 | .692 | .676 | .666 | .646 | .628 | .607 | .572 |
| | Minimum Premium Ratio | .970 | .950 | .934 | .918 | .406 | .894 | .884 | .875 | .866 | .857 | .840 | .825 | .811 | .786 |
| 73 | Basic Premium Ratio | .820 | .794 | .767 | .743 | .726 | .708 | .696 | .688 | .670 | .660 | .638 | .620 | .599 | .562 |
| | Minimum Premium Ratio | .969 | .946 | .929 | .915 | .902 | .889 | .879 | .869 | .859 | .851 | .833 | .818 | .803 | .776 |
| 72 | Basic Premium Ratio | .820 | .792 | .765 | .739 | .721 | .703 | .690 | .684 | .664 | .654 | .631 | .613 | .590 | .552 |
| | Minimum Premium Ratio | .968 | .944 | .925 | .912 | .898 | .886 | .874 | .863 | .854 | .844 | .826 | .810 | .795 | .767 |
| 71 | Basic Premium Ratio | .820 | .790 | .759 | .734 | .715 | .697 | .682 | .674 | .655 | .645 | .620 | .602 | .578 | .540 |
| | Minimum Premium Ratio | .965 | .941 | .923 | .907 | .893 | .880 | .868 | .857 | .847 | .837 | .819 | .802 | .786 | .757 |
| 70 | Basic Premium Ratio | .820 | .788 | .752 | .729 | .709 | .690 | .674 | .665 | .647 | .636 | .609 | .591 | .567 | .529 |
| | Minimum Premium Ratio | .964 | .939 | .919 | .903 | .889 | .875 | .862 | .852 | .841 | .831 | .812 | .793 | .778 | .747 |
| 69 | Basic Premium Ratio | .820 | .785 | .746 | .723 | .703 | .684 | .666 | .655 | .638 | .626 | .598 | .579 | .555 | .517 |
| | Minimum Premium Ratio | .963 | .935 | .914 | .899 | .883 | .869 | .857 | .846 | .835 | .823 | .804 | .786 | .770 | .738 |
| 68 | Basic Premium Ratio | .820 | .783 | .739 | .718 | .697 | .677 | .658 | .645 | .629 | .617 | .587 | .568 | .543 | .505 |
| | Minimum Premium Ratio | .959 | .931 | .912 | .894 | .878 | .864 | .851 | .839 | .828 | .817 | .797 | .777 | .760 | .729 |
| 67 | Basic Premium Ratio | .820 | .779 | .736 | .712 | .690 | .670 | .651 | .636 | .621 | .608 | .577 | .558 | .533 | .495 |
| | Minimum Premium Ratio | .957 | .929 | .907 | .889 | .873 | .858 | .845 | .833 | .821 | .810 | . 78 9 | .770 | .752 | .719 |
| 66 | Basic Premium Ratio | .820 | .776 | .732 | .707 | .682 | .663 | .643 | .628 | .613 | .599 | .568 | .548 | .523 | .485 |
| | Minimum Premium Ratio | .954 | .925 | .903 | .885 | .868 | .853 | .839 | .826 | .814 | .803 | .781 | .761 | .744 | .709 |
| 65 | Basic Premium Ratio | .820 | .772 | .729 | .701 | .675 | .655 | .636 | .619 | .604 | .590 | .558 | .537 | .513 | .475 |
| | Minimum Premium Ratio | .953 | .923 | .900 | .880 | .864 | .847 | .833 | .821 | .808 | .796 | .773 | .753 | .735 | .701 |
| 64 | Basic Premium Ratio | .820 | .768 | .725 | .695 | .667 | .648 | .628 | .610 | .596 | .581 | .548 | .527 | .503 | .465 |
| | Minimum Premium Ratio | .949 | .919 | .895 | .877 | .859 | .841 | .827 | .814 | .801 | .788 | .766 | .744 | .726 | .691 |
| 63 | Basic Premium Ratio | .820 | .764 | .719 | .690 | .661 | .641 | .620 | .601 | .586 | .571 | .538 | .517 | .492 | .454 |
| | Minimum Premium Ratio | .948 | .914 | .891 | .871 | .853 | .835 | .820 | .807 | .794 | .781 | .758 | .736 | .718 | .682 |
| 62 | Basic Premium Ratio | .820 | .759 | .714 | .684 | .656 | .634 | .612 | .592 | .576 | .562 | .529 | .507 | .482 | .444 |
| | Minimum Premium Ratio | .944 | .912 | .886 | .867 | .848 | .830 | .815 | .801 | .788 | .774 | .750 | .727 | .708 | .672 |
| 61 | Basic Premium Ratio | .820 | .755 | .708 | .679 | .650 | .627 | .603 | .582 | .566 | .552 | .519 | .496 | .471 | .433 |
| | Minimum Premium Ratio | .943 | .908 | .884 | .861 | .843 | .824 | .808 | .794 | .781 | .767 | .743 | .719 | .699 | .662 |
| 60 | Basic Premium Ratio | .820 | .750 | .702 | .673 | .644 | .620 | .595 | .573 | .556 | .542 | .509 | .486 | .460 | .422 |
| | Minimum Premium Ratio | .939 | . 904 | .879 | .856 | .837 | .818 | .802 | .787 | .773 | .758 | .734 | .710 | .690 | .652 |
| 59 | Basic Premium Ratio | .813 | .743 | .696 | .664 | .635 | .611 | .586 | .564 | .546 | .532 | .499 | .475 | .449 | .411 |
| | Minimum Premium Ratio | .937 | .902 | .874 | .851 | .832 | .812 | .795 | .780 | .766 | .751 | .725 | .701 | .681 | .642 |
| 58 | Basic Premium Ratio | .806 | .737 | .690 | .655 | .626 | .602 | .577 | .555 | .537 | .522 | .489 | .464 | .439 | .401 |
| | Minimum Premium Ratio | .934 | .898 | .869 | .846 | .825 | .806 | .789 | .773 | .759 | .743 | .718 | .693 | .672 | .633 |
| 57 | Basic Premium Ratio | .798 | .730 | .684 | .645 | .617 | .593 | .568 | .545 | .527 | .511 | .479 | .452 | .428 | .390 |
| | Minimum Premium Ratio | .932 | .893 | .864 | .840 | .820 | .799 | .781 | .766 | .752 | .736 | .709 | .684 | .663 | .624 |
| 56 | Basic Premium Ratio | .791 | .723 | .678 | .636 | .608 | .584 | .559 | .536 | .517 | .501 | .469 | .441 | .417 | .379 |
| | Minimum Premium Ratio | .928 | .890 | .859 | .835 | .814 | .793 | .775 | .759 | .743 | .727 | .701 | .676 | .654 | .614 |
| 55 | Basic Premium Ratio | .788 | .717 | .672 | .629 | .600 | .575 | .550 | .526 | .507 | .491 | .459 | .432 | .408 | .370 |
| | Minimum Premium Ratio | .924 | .886 | .854 | .829 | .808 | .787 | .768 | .753 | .736 | .720 | .692 | .667 | .645 | .606 |
| 54 | Basic Premium Ratio | .785 | .710 | .665 | .623 | .592 | .566 | .541 | .517 | .498 | .481 | .449 | .423 | .398 | .361 |
| | Minimum Premium Ratio | .922 | .881 | .849 | .824 | .802 | .781 | .761 | .744 | .729 | .713 | .685 | .659 | .637 | .597 |
| 53 | Basic Premium Ratio | .782 | .704 | .659 | .616 | .584 | .556 | .532 | .507 | .488 | .470 | .439 | .413 | .389 | .352 |
| | Minimum Premium Ratio | .918 | .876 | .844 | .818 | .794 | .772 | .755 | .737 | .720 | .704 | .677 | .651 | .629 | .589 |
| 52 | Basic Premium Ratio | .779 | .697 | .652 | .609 | .576 | .547 | .523 | .497 | .478 | .460 | .429 | .404 | .379 | .343 |
| | Minimum Premium Ratio | .913 | .871 | .838 | .812 | .789 | .766 | .747 | .731 | .713 | .697 | .669 | .642 | .621 | .581 |
| | | | | | | | | | | | | | | | |

| Maxim | um Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------------------|
| Size Group | | | | | | | | | | | | | | | |
| 51 | Basic Premium Ratio | .774 | .691 | .644 | .600 | .566 | .537 | .513 | .487 | .467 | .450 | .419 | .394 | .369 | .333 |
| | Minimum Premium Ratio | .908 | .865 | .833 | .806 | .782 | .759 | .740 | .722 | .706 | .690 | .662 | .635 | .613 | .572 |
| 50 | Basic Premium Ratio Minimum Premium Ratio | .769 .904 | .685 .861 | .636 .826 | .591 .800 | .556 .775 | .527 .753 | .502 .733 | .477 .715 | .457 .697 | .440 .681 | .408 .653 | .383 .627 | .359 .604 | .323 .564 |
| 49 | Basic Premium Ratio | .763 | .678 | .627 | .582 | .546 | .517 | .492 | .466 | .446 | .429 | .398 | .373 | .349 | .312 |
| | Minimum Premium Ratio | .902 | .856 | .821 | .795 | .769 | .744 | .724 | .708 | .690 | .673 | .645 | .619 | .596 | .556 |
| 48 | Basic Premium Ratio | .758 | .672 | .619 | .573 | .536 | .507 | .481 | .456 | .435 | .419 | .387 | .362 | .339 | .302 |
| | Minimum Premium Ratio | .898 | .850 | .815 | .786 | .761 | .737 | .717 | .699 | .683 | .665 | .637 | .611 | .588 | .548 |
| 47 | Basic Premium Ratio | .749 | .663 | .607 | .562 | .525 | .496 | .470 | .445 | .424 | .408 | .377 | .353 | .330 | .295 |
| | Minimum Premium Ratio | .892 | .845 | .810 | .780 | .754 | .731 | .710 | .692 | .674 | .657 | .629 | .603 | .579 | .540 |
| 46 | Basic Premium Ratio | .740 | .654 | .595 | .550 | .513 | .485 | .459 | .434 | .414 | .398 | .367 | .343 | .321 | .287 |
| | Minimum Premium Ratio | .888 | .839 | .804 | .773 | .748 | .723 | .702 | .683 | .666 | .650 | .621 | .595 | .572 | .533 |
| 45 | Basic Premium Ratio | .731 | .645 | .583 | .539 | .502 | .474 | .448 | .422 | .403 | .387 | .357 | .334 | .312 | .280 |
| | Minimum Premium Ratio | .884 | .834 | .795 | .765 | .739 | .715 | .695 | .676 | .657 | .641 | .612 | .587 | .565 | .526 |
| 44 | Basic Premium Ratio | .722 | .636 | .571 | .527 | .490 | .463 | .437 | .411 | .392 | .376 | .347 | .324 | .303 | .272 |
| | Minimum Premium Ratio | .878 | .826 | .790 | .758 | .732 | .706 | .686 | .669 | .650 | .633 | .605 | .580 | .558 | .519 |
| 43 | Basic Premium Ratio | .714 | .626 | .561 | .517 | .479 | .451 | .426 | .401 | .382 | .365 | .337 | .314 | .293 | .263 |
| | Minimum Premium Ratio | .873 | .820 | .781 | .750 | .723 | .699 | .679 | .659 | .643 | .627 | .598 | .572 | .551 | .513 |
| 42 | Basic Premium Ratio | .705 | .615 | .551 | .507 | .467 | .440 | .414 | .390 | .371 | .355 | .327 | .304 | .284 | .253 |
| | Minimum Premium Ratio | .869 | .814 | .775 | .743 | .717 | .691 | .670 | .652 | .634 | .618 | .589 | .564 | .543 | .504 |
| 41 | Basic Premium Ratio | .697 | .605 | .540 | .496 | .456 | .428 | .403 | .380 | .361 | .344 | .316 | .294 | .274 | .244 |
| | Minimum Premium Ratio | .863 | .809 | .769 | .737 | .708 | .684 | .663 | .644 | .627 | .610 | .582 | .557 | .534 | .496 |
| 40 | Basic Premium Ratio | .688 | .594 | .530 | .486 | .444 | .416 | .391 | .369 | .350 | .333 | .306 | .284 | .264 | .234 |
| | Minimum Premium Ratio | .858 | .800 | .763 | .728 | .702 | .677 | .656 | .636 | .618 | .603 | .574 | .548 | .526 | .489 |
| 39 | Basic Premium Ratio | .677 | .583 | .519 | .475 | .434 | .406 | .380 | .359 | .340 | .323 | .296 | .274 | .255 | .226 |
| | Minimum Premium Ratio | .853 | .795 | .754 | .722 | .695 | .668 | .647 | .628 | .611 | .594 | .565 | .541 | .519 | .481 |
| 38 | Basic Premium Ratio | .666 | .573 | .508 | .464 | .424 | .395 | .370 | .348 | .329 | .313 | .286 | .264 | .246 | .218 |
| | Minimum Premium Ratio | .848 | .790 | .748 | .713 | .686 | .661 | .640 | .620 | .604 | .585 | .558 | .533 | .511 | .473 |
| 37 | Basic Premium Ratio | .654 | .562 | .497 | .453 | .413 | .385 | .359 | .338 | .319 | .302 | .276 | .254 | .237 | .209 |
| | Minimum Premium Ratio | .839 | .781 | .739 | .707 | .679 | .652 | .631 | .611 | .595 | .577 | .549 | .525 | .503 | .466 |
| 36 | Basic Premium Ratio | .643 | .551 | .486 | .442 | .403 | .374 | .348 | .327 | .308 | .292 | .266 | .244 | .228 | .201 |
| | Minimum Premium Ratio | .834 | .774 | .733 | .697 | .670 | .645 | .623 | .604 | .588 | .570 | .541 | .518 | .495 | .458 |
| 35 | Basic Premium Ratio | .631 | .538 | .473 | .429 | .392 | .363 | .338 | .317 | .299 | .283 | .257 | .236 | .220 | .194 |
| | Minimum Premium Ratio | .825 | .765 | .723 | .690 | .660 | .636 | .615 | .596 | .579 | .561 | .534 | .510 | .489 | .452 |
| 34 | Basic Premium Ratio | .618 | .525 | .461 | .417 | .380 | .352 | .328 | .307 | .289 | .274 | .249 | .228 | .212 | .187 |
| | Minimum Premium Ratio | .815 | .755 | .713 | .681 | .654 | .629 | .607 | .588 | .572 | .555 | .527 | .504 | .482 | .447 |
| 33 | Basic Premium Ratio | .606 | .511 | .448 | .404 | .369 | .341 | .317 | .297 | .280 | .264 | .240 | .220 | .203 | .179 |
| | Minimum Premium Ratio | .810 | .746 | .706 | .671 | .644 | .620 | .598 | .580 | .563 | .546 | .520 | .497 | .476 | .441 |
| 32 | Basic Premium Ratio | .593 | .498 | .435 | .391 | .357 | .330 | .307 | .287 | .270 | .255 | .231 | .212 | .195 | .172 |
| | Minimum Premium Ratio | .800 | .736 | .697 | .664 | .637 | .611 | .591 | .572 | .556 | .539 | .513 | .490 | .470 | .436 |
| 31 | Basic Premium Ratio | .578 | .484 | .422 | .379 | .345 | .319 | .296 | .277 | .260 | .246 | .222 | .204 | .188 | .166 |
| | Minimum Premium Ratio | .791 | .730 | .688 | .655 | .628 | .604 | .583 | .565 | .549 | .532 | .507 | .484 | .465 | .431 |
| 30 | Basic Premium Ratio | .563 | .470 | .409 | .367 | .333 | .308 | .285 | .266 | .251 | .237 | .214 | .196 | .181 | .159 |
| | Minimum Premium Ratio | .781 | .720 | .678 | .646 | .621 | .597 | .576 | .557 | .541 | .525 | .499 | .478 | .458 | .427 |
| 29 | Basic Premium Ratio | .548 | .455 | .396 | .354 | .321 | .296 | .274 | .256 | .241 | .227 | .205 | .187 | .174 | .153 |
| | Minimum Premium Ratio | .772 | .711 | .671 | .638 | .611 | .588 | .567 | .550 | .535 | .518 | .493 | .473 | .453 | .422 |
| 28 | Basic Premium Ratio | .533 | .441 | .383 | .342 | .309 | .285 | .263 | .245 | .231 | .218 | .196 | .179 | .167 | .146 |
| | Minimum Premium Ratio | .762 | .702 | .662 | .629 | .603 | .580 | .560 | .543 | .527 | .511 | .486 | .466 | .446 | .415 |
| 27 | Basic Premium Ratio | .519 | .427 | .369 | .329 | .297 | .273 | .251 | .233 | .219 | .206 | .185 | .168 | .156 | .13 6 |
| | Minimum Premium Ratio | .756 | .695 | .653 | .622 | .595 | .572 | .551 | .533 | .519 | .503 | .478 | .457 | .437 | .40 6 |
| 26 | Basic Premium Ratio | .504 | .413 | .355 | .315 | .284 | .260 | .239 | .222 | .208 | .195 | .174 | .158 | .145 | .124 |
| | Minimum Premium Ratio | .747 | .686 | .646 | .614 | .587 | .563 | .543 | .525 | .511 | .494 | .469 | .449 | .428 | .398 |
| 25 | Basic Premium Ratio | .490 | .398 | .341 | .302 | .272 | .248 | .227 | .210 | .196 | .183 | .162 | .147 | .133 | .113 |
| | Minimum Premium Ratio | .736 | .676 | .636 | .604 | .579 | .555 | .534 | .517 | .502 | .485 | .461 | .440 | .421 | .392 |
| 24 | Basic Premium Ratio | .475 | .384 | .327 | .288 | .259 | .235 | .215 | .198 | .184 | .171 | .151 | .136 | .123 | .104 |
| | Minimum Premium Ratio | .727 | .666 | .627 | .597 | .570 | .547 | .528 | .511 | .495 | .479 | .456 | .436 | .418 | .389 |
| 23 | Basic Premium Ratio | .454 | .367 | .312 | .275 | .247 | .224 | .205 | .189 | .176 | .164 | .145 | .130 | .119 | .10 |
| | Minimum Premium Ratio | .713 | .657 | .617 | .587 | .563 | .540 | .521 | .505 | .489 | .474 | .451 | .432 | .414 | .386 |
| 22 | Basic Premium Ratio | .434 | .349 | .298 | .262 | .235 | .213 | .195 | .180 | .167 | .156 | .138 | .125 | .114 | .097 |
| | Minimum Premium Ratio | .704 | .647 | .608 | .578 | .554 | .533 | .513 | .499 | .484 | .469 | .446 | .427 | .410 | .383 |
| 21 | Basic Premium Ratio Minimum Premium Ratio | .408 .690 | .332 .637 | .283 .600 | .248 .571 | .222 .547 | .201 .526 | .184 .507 | .171 .491 | .159 .478 | .149 .464 | .132 .442 | .119 .424 | .110 .407 | .094 .381 |

| Maxin | num Premium Ratio: | 1.05 | 1.10 | 1.15 | 1.20 | 1.25 | 1.30 | 1.35 | 1.40 | 1.45 | 1.50 | 1.60 | 1.70 | 1.80 | 2.00 |
|---------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------|
| Size Group | | | | | | | | | | | | | | | |
| 20 | Basic Premium Ratio | .388 | .314 | .268 | .234 | .209 | .190 | .174 | .161 | .150 | .141 | .125 | .113 | .105 | .090 |
| | Minimum Premium Ratio | .680 | .627 | .591 | .562 | .539 | .518 | .500 | .485 | .472 | .458 | .436 | .419 | .402 | .377 |
| 19 | Basic Premium Ratio | .374 | .298 | .251 | .220 | .196 | .177 | .162 | .149 | .139 | .131 | .116 | .105 | .097 | .084 |
| | Minimum Premium Ratio | .674 | .620 | .582 | .555 | .531 | .511 | .493 | .478 | .465 | .451 | .430 | .413 | .397 | .372 |
| 18 | Basic Premium Ratio | .355 | .281 | .237 | .205 | .181 | .163 | .148 | .137 | .127 | .119 | .106 | .098 | .090 | .079 |
| | Minimum Premium Ratio | .664 | .611 | .575 | .546 | .523 | .503 | .485 | .471 | .458 | .444 | .424 | .409 | .392 | .369 |
| 17 | Basic Premium Ratio | .337 | .265 | .221 | .189 | .169 | .151 | .137 | .127 | .117 | .110 | .098 | .090 | .083 | .074 |
| | Minimum Premium Ratio | .654 | .601 | .566 | .537 | .516 | .497 | .479 | .465 | .452 | .439 | .419 | .404 | .388 | .366 |
| 16 | Basic Premium Ratio | .318 | .247 | .204 | .176 | .154 | .137 | .127 | .117 | .108 | .102 | .091 | .083 | .078 | .069 |
| | Minimum Premium Ratio | .644 | .592 | .557 | .530 | .508 | .488 | .473 | .459 | .447 | .434 | .415 | .399 | .384 | .362 |
| 15 | Basic Premium Ratio | .300 | .229 | .190 | .164 | .143 | .128 | .117 | .108 | .101 | .095 | .086 | .079 | .074 | .066 |
| | Minimum Premium Ratio | .635 | .583 | .550 | .524 | .502 | .484 | .468 | .455 | .443 | .430 | .412 | .397 | .382 | .361 |
| 14 | Basic Premium Ratio | .291 | .216 | .174 | .154 | .134 | .123 | .112 | .103 | .097 | .091 | .083 | .078 | .072 | .065 |
| | Minimum Premium Ratio | .630 | .577 | .542 | .519 | .498 | .481 | .465 | .452 | .441 | .428 | .411 | .397 | .381 | .360 |
| 13 | Basic Premium Ratio | .275 | .199 | .163 | .142 | .129 | .116 | .107 | .099 | .094 | .088 | .081 | .076 | .071 | .064 |
| | Minimum Premium Ratio | .622 | .568 | .537 | .513 | .495 | .478 | .463 | .450 | .440 | .427 | .410 | .396 | .381 | .360 |
| 12 | Basic Premium Ratio | .263 | .182 | .151 | .134 | .121 | .110 | .102 | .096 | .089 | .086 | .078 | .073 | .069 | .063 |
| | Minimum Premium Ratio | .616 | .559 | .531 | .510 | .491 | .475 | .460 | .449 | .437 | .426 | .409 | .394 | .380 | .359 |
| 11 | Basic Premium Ratio | .246 | .162 | .138 | .126 | .114 | .105 | .098 | .092 | .086 | .083 | .076 | .071 | .068 | .062 |
| | Minimum Premium Ratio | .608 | .549 | .524 | .505 | .488 | .472 | .458 | .447 | .436 | .424 | .407 | .393 | .379 | .359 |
| 10 | Basic Premium Ratio | .229 | .147 | .129 | .117 | .107 | .098 | .093 | .088 | .083 | .079 | .074 | .069 | .066 | .061 |
| | Minimum Premium Ratio | .602 | .542 | .520 | .501 | .484 | .469 | .456 | .445 | .434 | .422 | .406 | .392 | .378 | .358 |
| 9 | Basic Premium Ratio | .211 | .133 | .119 | .109 | .101 | .094 | .088 | .083 | .079 | .077 | .071 | .068 | .065 | .061 |
| | Minimum Premium Ratio | .593 | .535 | .515 | .497 | .481 | .467 | .453 | .442 | .432 | .421 | .405 | .392 | .378 | .358 |
| 8 | Basic Premium Ratio | .189 | .122 | .111 | .102 | .095 | .088 | .083 | .079 | .077 | .074 | .069 | .066 | .063 | .060 |
| | Minimum Premium Ratio | .579 | .529 | .511 | .493 | .478 | .464 | .451 | .440 | .431 | .420 | .404 | .391 | .377 | .358 |
| 7 | Basic Premium Ratio | .160 | .112 | .101 | .095 | .088 | .083 | .079 | .076 | .074 | .071 | .067 | .063 | .062 | .059 |
| | Minimum Premium Ratio | .565 | .524 | .506 | .490 | .475 | .462 | .449 | .439 | .430 | .418 | .403 | .389 | .376 | .357 |
| 6 | Basic Premium Ratio | .130 | .101 | .095 | .088 | .083 | .079 | .075 | .072 | .070 | .068 | .064 | .062 | .060 | .058 |
| | Minimum Premium Ratio | .550 | .519 | .503 | .486 | .472 | .459 | .447 | .437 | .428 | .417 | .401 | .389 | .376 | .357 |
| 5 | Basic Premium Ratio Minimum Premium Ratio | .099 .550 | .092 .515 | .087 .499 | .081 .483 | .078 .470 | .074 .457 | .071 .445 | .069 .435 | .067 .426 | .065 .415 | .062 .400 | .060 .388 | .059 .375 | .057 |

WSR 85-23-078 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Quincy ground water subarea management policy, chapter 173–134A WAC; Regulation of waters of the shallow management unit—Permit requirements, amending WAC 173–134A–080; and applicability, adding new section WAC 173–134A–085;

that the agency will at 2:00 p.m., Wednesday, January 8, 1986, in the Grant County PUD #2 Auditorium, 312 West 3rd, Moses Lake, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 30, 1986.

The authority under which these rules are proposed is chapters 34.04, 43.21A, 90.03 and 90.44 RCW.

The specific statute these rules are intended to implement is RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 15, 1986.

Dated: November 19, 1985 By: Glen H. Fiedler Acting Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-134A WAC, Quincy ground water subarea management policy.

Description of Purpose: The Department of Ecology (Ecology) proposes to amend the rules setting forth the Quincy ground water subarea management policy (chapter 173-134A WAC) by amending one section, WAC 173-134A-080, and adding one new section, WAC 173-134A-085, thereby removing certain restrictions on withdrawals of ground water from wells located on certain lands within the subarea. The rules set forth the policy for the administration of all ground waters within the Quincy ground water subarea, including public ground waters and artificially stored ground waters. The rules establish the regulatory and management program for these waters and all such waters are authorized for withdrawal and otherwise regulated in accordance with the provisions of the rules. The program protects both the public interest and private rights and interests in such waters, including the interests of a holder of a

declaration of artificially stored ground water accepted by Ecology pursuant to RCW 90.44.130.

Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130, 90.54.040(2) and chapter 90.03 RCW.

Summary of Rule: The rules establish the management policy of Ecology for the authorization and regulation of the use of all ground waters within the Quincy ground water subarea. The rules establish limitations on the total amounts of public ground waters and artificially stored ground waters which may be withdrawn within the subarea. The rules also establish a limitation on withdrawals of artificially stored ground waters from wells located on lands adjacent to United States Bureau of Reclamation (Bureau) waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which lands are described in amended Department of Ecology Order No. 75-54, entered on October 9, 1975. The proposed amendments to WAC 173-134A-080 incorporate changes required by Ecology's intent to issue a second amendment to Order No. 75-54, correcting two minor errors in the description of the lands affected by the order. The proposed new section, WAC 173-134A-085, will restrict the applicability of the limitations on total amounts of ground water withdrawn within the Ouincy ground water subarea to the geographic area within the subarea that was described in the declaration of ownership of artificially stored ground waters of the Bureau, accepted by order of the Department of Ecology dated the 8th day of January, 1975.

Reasons Supporting Such Action: The existing limitations in the rules for the total amounts of public and artificially stored ground waters which can be withdrawn within the subarea were calculated on the basis of protecting the rights of public and private holders of ground water rights within the geographic area described in the declaration of artificially stored ground waters filed by the Bureau and accepted by Ecology. However, that geographic area is somewhat smaller than the area included within the boundaries of the Quincy ground water subarea, resulting in inappropriate restrictions on lands within the subarea but outside of the area of the declaration. The proposed new section, WAC 173-134A-085, would remedy this problem. The Department of Ecology has also found two errors in the legal description of the lands included under amended Order No. 75-54. The result of the errors is to unduly restrict withdrawals of ground waters from some lands. Ecology intends to amend the order to correct the errors and to amend WAC 173-134A-080 to state that the order has been amended and the date of the amended order.

Agency Personnel Responsible for Drafting: David Peeler, Mailstop PV-11, Olympia, WA 98504, (206) 459-6120; Implementation: Eugene F. Wallace, Mailstop PV-11, Olympia, WA 98504, (206) 459-6055; and Enforcement: Marc Horton, Mailstop PV-11, Olympia, WA 98504, (206) 459-6053.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government. Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Adoption of the amendatory section and the new section will simplify implementation and enforcement of the program; there should be no fiscal impact.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: No impact.

Rule Background Statement: The Quincy ground water subarea management program was originally adopted in 1975 as chapter 173-134 WAC. In 1983, chapter 173-134 WAC was repealed and an amended program was adopted under chapter 173-134A WAC. The program protects the public interest and private rights and interests in naturally occurring ground waters and artificially stored ground waters resulting from construction and operation of the Columbia basin irrigation project (project). The rule establishes the management policy for the authorization and regulation of the use of all ground waters within the Quincy ground water subarea. Limitations on the total amounts of ground waters available for withdrawal within the subarea were calculated on the basis of protecting water rights within the geographic area described in a declaration of artificially stored ground water filed by the United States Bureau of Reclamation (Bureau) and accepted by the Department of Ecology. That geographic area is somewhat smaller than the area included within the Quincy ground water subarea, resulting in undue restrictions on water withdrawals from wells on lands within the Quincy ground water subarea but outside of the area of the declaration. The proposed new section, WAC 173-134A-085, would remedy this problem.

In order to protect the rights of the Bureau the management program restricts withdrawals of ground waters from wells located on lands adjacent to Bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of Potholes Reservoir, a facility of the project which collects artificially stored ground waters for reuse. These lands were described in amended Department of Ecology Order No. 75–54, entered on October 9, 1975, and referred to at WAC 173–134A–080 (2)(n). Ecology has found two errors in the legal description of the lands included under the amended order. Ecology proposes to amend Order No. 75–54 to correct the errors and to amend WAC 173–134A–080 to reflect such amendment.

AMENDATORY SECTION (Amending Order DE 83-10, filed 6/1/83)

WAC 173-134A-080 REGULATION OF WATERS OF THE SHALLOW MANAGEMENT UNIT—PERMIT REQUIRE-MENTS. Waters of the shallow management unit shall be subject to the following:

(1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of chapters 90.44 and 90-03 RCW.

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued under RCW 90.44.050, 90.44.060 or otherwise, shall not exceed 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic and group domestic uses.

- (2) No withdrawal of, or construction of any works for the withdrawal of artificially stored ground waters shall be commenced by any person without obtaining permission of the department of ecology. Permission shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application, the following shall apply:
- (a) Each permit shall be conditioned to ensure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir facility of the bureau to satisfy existing and future project needs of the bureau.
- (b) Each permit shall be conditioned to ensure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to ensure availability and (2) protection of the use ability of certain withdrawal facilities.
- (c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea; wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.
- (d) Permits shall be conditioned such that the well depth shall be no greater than 200 feet into the basalt (the shallow management unit). However, when the total production from the authorized well(s), completed within the shallow management unit does not produce the quantity of water authorized under the permit in gallons per minute, the permittee may apply to the department of ecology for an exemption to the well depth limitation imposed by these regulations. Such an exemption will be granted if reasonable efforts have been made to develop water in the shallow management unit and the proposed deepening will not adversely affect existing rights in the deep management unit. The depth of the well(s) in any event shall not penetrate the top of the Grand Ronde Basalt unit. When an exemption is granted, the department will advise the permittee of the depth to the top of the Grand Ronde Basalt unit at the specific well site(s). The authorized wells must be of adequate diameter and casing wall thickness to accommodate a pump of sufficient capacity to produce the permitted quantity in gallons per minute. Notwithstanding the definitions in WAC 173-134A-040, withdrawals of water subject to exemptions shall be considered as artificially stored ground water.
- (e) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134A-130 shall constitute grounds for the department to terminate a permit issued under this subsection.
- (f) Applications for permits shall be processed in order of their priority, based on the date of receipt of an application by the department of ecology.
- (g) Permits granted herein shall pertain to a specific point(s) of withdrawal, and purpose, and place of use. No assignment of such permits can be made without written approval of the department.

The department may approve amendments to permits granted herein regarding changes in point of withdrawal, purpose, and place of use, if it believes, after investigation, that the amendment will comply with WAC 173-134A-070 (1) through (4). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

- (h) No permit shall authorize the withdrawal of waters for agricultural irrigation use for more acres than authorized by federal reclamation law.
- (i) Permits issued hereunder shall have no expressed termination date provided, however, the permit shall be modifiable and terminable by the department at any time for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134A-090.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use within a three-year period from the date of issuance. Any permit under which development has not been completed may be perfected to the extent of beneficial use, and cancellation proceedings will be initiated on the remaining undeveloped portion.

- (j) By applying for an obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses, except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.
- (k) There shall be no fee for filing an application for a permit authorized for withdrawal of artificially stored ground waters under this subsection. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.
- (I) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a maximum cumulative total of no more than 177,000 acre-feet for each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967, and February 14, 1974, and which are also subject of a permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit.

- (m) The duty of water for agricultural irrigation uses shall be not more than 3.5 acre-feet for each acre for each calendar year.
- (n) No applications for permits submitted pursuant to WAC 173-134A-080(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which specifically are those lands described in amended department of ecology Order No. 75-54, ((entered on October 9, 1975)) second amendment, entered on January 30, 1986.

NEW SECTION

WAC 173-134A-085 APPLICABILITY. The total withdrawal limitations of WAC 173-134A-060 and 173-134A-080 shall apply only to that geographical area within the Quincy ground water subarea that was described in the declaration of ownership of artificially stored waters by the United States Bureau of Reclamation accepted by order of the department under Docket Number 74-772 dated January 8, 1975.

WSR 85-23-079 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Columbia basin project—Ground waters, chapter 508–14 WAC; Withdrawal of ground waters—Permit required—Certain conditions and areas declared appropriate, amending WAC 508–14–030; and authority, adding new section WAC 508–14–025;

that the agency will at 2:00 p.m., Wednesday, January 8, 1986, in the Grant County PUD #2 Auditorium, 312 West 3rd, Moses Lake, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 30, 1986

The authority under which these rules are proposed is chapters 43.21, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW.

The specific statute these rules are intended to implement is RCW 43.21.130, 43.27A.090, 90.54.040(2) and chapters 90.03 and 90.44 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 15, 1986.

Dated: November 19, 1985 By: Glen H. Fiedler Acting Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 508-14 WAC, Columbia basin project—Ground waters.

Description of Purpose: The Department of Ecology (Ecology) proposes to amend the rules describing the interim policies which guide Ecology in granting authority to make withdrawals from ground waters occurring within the Columbia basin project but outside the Quincy ground water management subarea, established by chapter 173–124 WAC, and the Odessa ground water management subarea, established by chapter 173–128A WAC. The proposed amendments consist of a new section, WAC 508–14–025, setting forth the authority for the rule, and an amendment to WAC 508–14–030, revising the area within which the rule applies.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Beneath the surface of the lands within and adjoining the Columbia basin project are large quantities of naturally occurring and artificially stored ground waters, the source, extent, volume and flow characteristics being largely unknown. Within the Columbia basin project, but outside of the Quincy and Odessa ground water subareas, certain persons and entities presently claim interests in portions of the commingled naturally occurring and artificially stored ground waters. To insure that the public interest is protected as well as the interests of those claiming interests in said ground waters and that at the same time public waters are, when appropriate, made available for beneficial use, certain interim policies have been established by rule to guide Ecology until ground water subareas are established under the procedures set forth in RCW 90.44.130. The rule includes a description of the lands within which the rule applies. Ecology proposes to amend WAC 508-14-030 by amending the description of the affected lands. The rule previously contained a statement as to the authority under which it was adopted (WAC 508-14-010). That statement was inadvertently deleted when the rule was last amended in 1974. Ecology proposes to add a new section, WAC 508-14-025, which will state the authority under which the rule is promulgated.

Reasons Supporting Such Action: The rule is to guide the actions of Ecology until ground water subareas are established within the described lands. In 1982 Ecology adopted chapter 173–128A WAC, Odessa ground water management subarea, which repealed the chapter previously establishing the Odessa subarea and expanded the Odessa subarea by adding additional lands to the description of the subarea. A portion of the additional lands are also within the area described by WAC 508–14–030. Since any such lands are now included within a subarea established pursuant to RCW 90.44.130, Ecology proposes to delete such lands from the area of the interim guidance rule, WAC 508–14–030. In addition,

Ecology proposes to delete lands for which studies by the United States Bureau of Reclamation (Bureau) and Ecology have shown that the underlying ground waters are public ground waters and are not artificially stored or commingled artificially and naturally occurring ground waters. Since the ground waters are naturally occurring, the establishment of a subarea pursuant to RCW 90.44.130 will not result in a subsequent declaration of artificially stored ground waters and there are no claims by any persons or entities to the ground waters. Ecology therefore proposes to delete such lands, which are located along the Columbia River in the vicinity of Priest Rapids Dam, from the interim guidance rule, WAC 508-14-030. Ecology identifies the authority under which all of its administrative rules are promulgated in the rules themselves. Chapter 508-14 WAC previously contained such a section, WAC 508-14-010, which identified the authority for promulgation of the rule, as well as other statements concerning the need for the rule. When the rule was amended in 1974, WAC 508-14-010 was repealed in its entirety, thereby deleting any reference to the authority relied upon for the rule. Ecology proposes to add a new section, WAC 508-14-025, describing the authority for the rule.

Agency Personnel Responsible for Drafting: David Peeler, Mailstop PV-11, Olympia, WA 98504, (206) 459-6120; Implementation: Eugene F. Wallace, Mailstop PV-11, Olympia, WA 98504, (206) 459-6055; and Enforcement: Marc Horton, Mailstop PV-11, Olympia, WA 98504, (206) 459-6053.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Adoption of the amendatory section and the new section will simplify implementation and enforcement of the program; there should be no fiscal impact.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: No impact.

Rule Background Statement: Chapter 508-14 WAC, Columbia basin project—Ground waters, was originally adopted by the then existing Department of Conservation in 1967. The purpose of the rule was to guide the department in granting authority for making withdrawals of ground water in an area containing naturally occurring ground waters and artificially stored ground waters occurring from the construction and operation of the Columbia basin project. In 1974 the Department of Ecology (Ecology) amended the rule to exclude areas for which ground water subareas had been established pursuant to RCW 90.44.130; those subareas are the Quincy ground water management subarea and the Odessa ground water management subarea. In 1982 Ecology expanded the area included within the Odessa ground water subarea; a portion of the additional lands were also included within the area previously described by chapter 508-14 WAC. Ecology now proposes to delete such lands from the description of the area in WAC

508-14-030; no artificially stored ground waters occur in the area to be deleted.

In addition, studies completed by the United States Bureau of Reclamation (Bureau) and Ecology in 1982 have shown that no artificially stored ground waters occur in a second area along the Columbia River in the vicinity of Priest Rapids Dam. This area is also presently included within the lands described in WAC 508-14-030. Ecology proposes to delete the description of these lands from WAC 508-14-030.

The amendment by Ecology to chapter 508-14 WAC in 1974 repealed two sections of the rule, WAC 508-14-010 and 508-14-020. Repealed WAC 508-14-010 included, among other statements, a statement as to the authority under which the rule had been adopted. The repeal of that section inadvertently left the rule with no statement as to the authority for its promulgation. Ecology now proposes to add a new section, WAC 508-14-025, stating the authorities under which the rule is promulgated.

NEW SECTION

WAC 508-14-025 AUTHORITY. This chapter is promulgated by the department of ecology pursuant to chapters 43.21, 43.21A, 43.27A, 90.03, 90.44, and 90.54 RCW.

AMENDATORY SECTION (Amending Order DE 74-34, filed 12/30/74)

WAC 508-14-030 WITHDRAWAL OF GROUND WATERS—PERMIT REQUIRED—CERTAIN CONDITIONS AND AREAS DECLARED APPROPRIATE. (1)(a) All who are acquainted with the state of Washington know of the Grand Coulee Dam and the Columbia Basin project. In 1943, the congress of the United States passed the Columbia Basin Project Act, 57 Stat. 14 (1943), 16 U.S.C. 835 (1958) so that waters made available by the dam for irrigation purposes could be beneficially used. The state's historical position, as set forth in both state legislation and executive statements, has been one of full cooperation with the federal government to insure that the project's purpose of settling and developing the agricultural lands within said project is realized.

(b) Under state law, subject to existing rights, all natural ground waters of the state and all "artificially stored" ground waters that have been abandoned or forfeited are public ground waters available for appropriation as provided for in chapters 90.44 and 90.03 RCW.

(c) Beneath the surface of the lands within and adjoining the Columbia Basin project are large quantities of naturally occurring and artificially stored ground water, the source, extent, volume and flow characteristics being generally known, but the depth being largely unknown

(d) With the development of the Columbia Basin project, by the United States Department of the Interior, Bureau of Reclamation, the ground-water characteristics of the land within the project have, without doubt, undergone change, including a substantial commingling of natural and "artificially stored" ground waters.

(e) Within the Columbia Basin project, but outside the Quincy ground water management subarea, established by chapter 173-124 WAC, and the Odessa ground water management subarea established by chapter ((173-128)) 173-128A WAC, certain persons and entities presently claim interests in portions of these commingled waters.

(f) To insure that the public interest is protected as well as the interests of those claiming interests in said ground waters and that at the same time public waters are, when appropriate, made available for beneficial use, this office, in carrying out its duties and obligations, deems it necessary to set forth certain interim policies which shall guide the department in granting authority to make withdrawal from these commingled waters until ground water subareas are established under the procedures set forth in RCW 90.44.130.

(2)(a) Applications filed with the department of ecology pursuant to RCW 90.44.060 requesting permission to withdraw public ground waters within the exterior boundaries of the Columbia Basin project underlying lands within the legal description described in subsection (3)

of this rule shall be received, and permits issued if it appears to the department as a tentative conclusion that public ground waters are available; however, all such permits shall be conditioned that if it is subsequently determined by the department that public waters are not available in the amounts authorized for withdrawal by such permits, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate.

(b) No certificates of water right as provided for in RCW 90.44.080, relating to public ground waters underlying lands described in the following subsection (3), shall be issued by the department until such time as a more definite determination can be reached as to the avail-

ability of public waters.

(3) Beginning at the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M.; thence south about 3 miles to the northwest corner of Sec. 35, said township and range; thence east about 1 mile to the northeast corner of said Sec. 35; thence south about 1 mile to the southeast corner of said Sec. 35; thence west about 1 mile to the southwest corner of said Sec. 35; thence south about 4 miles to the southwest corner of Sec. 23, T. 16 N., R. 23 E.W.M.; thence east about 1 mile to the southeast corner of said Sec. 23; thence south 25° west about ((3.13 miles to intersection with the boundary line between Grant and Kittitas counties, in the Columbia River; located within the SE1/4 of Sec. 3, T. 15 N., R. 23 E.W.M.)) 2.5 miles to the point of intersection of the westerly right of way for State Highway No. 243 and the south bank of Lower Crab Creek, said point being situated approximately 3700 feet south and 400 feet west from the NE corner of Sec. 3, T. 15 N., R. 23 E.W.M., thence southerly along western highway right of way boundary about 7.5 miles to the NW corner of Sec. 14, T. 14 N., R. 23 E.W.M., thence east about 0.5 mile to the N 1/4 corner of Sec. 14, thence south about 1.0 mile to the S 1/4 corner of Sec. 14, thence east 0.5 mile to SE corner of Sec. 14, thence south about 1.0 mile to SE corner of Sec. 23, thence west about 0.5 mile to the westerly right of way boundary of State Highway No. 243, thence southeasterly about 1.0 mile along westerly right of way to the SW corner of Sec. 25, T. 14 N., R. 23 E.W.M., thence east about 2 miles to the SE corner of Sec. 30, T. 14 N., R. 24 E.W.M., thence south about 1 mile to the SW corner of Sec. 32, thence east to SE corner of Sec. 32, thence south about 0.5 mile to the W 1/4 corner of Sec. 4, T. 13 N., R. 24 E.W.M., thence east about 1.5 miles to the center of Sec. 3, south about 1.25 miles to the boundary line between Grant and Benton counties, in the Columbia river; thence downstream, southerly and easterly, along said boundary line and the boundary line between Grant and Benton counties, about ((36.5)) 16.5 miles, to intersection of said county boundary line with the south line of Sec. 1, T. 14 N., R. 26 E.W.M.; thence east about 4.1 miles to the northwest corner of Sec. 11, T. 14 N., R. 27 E.W.M.; thence south about 2 miles to the southwest corner of Sec. 14, said township and range; thence east about 2 miles to the northwest corner of Sec. 19, T. 14 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 19; thence east about 5 miles to the northeast corner of Sec. 26, said township and range; thence south about 2 miles to the southeast corner of Sec. 35, said township and range; thence west about 1.5 miles to intersection with the north-south centerline of Sec. 34, said township and range; thence north along said centerline to intersection with the north line of said Sec. 34; thence west about 7 miles to intersection with the boundary between Franklin and Benton counties, in the Columbia River, and the north line of Sec. 33, T. 14 N., R. 27 E.W.M.; thence downstream, southerly, about 29.25 miles to intersection with the eastwest centerline of Sec. 11, T. 9 N., R. 28 E.W.M.; thence east along contiguous section eastwest centerlines about 12.75 miles to the center of Sec. 12, T. 9 N., R. 30 E.W.M.; thence south 2° west about 3.17 miles to the north bank of Lake Wallula; thence northeasterly along said bank to a point about 1.38 miles south of the northwest corner of Sec. 19, T. 9 N., R. 31 E.W.M.; thence north about 1.38 miles to said northwest corner of Sec. 19; thence easterly along the north line of said Sec. 19 and of Sec. 20 about 1.85 miles to the northeast corner of said Sec. 20; thence north about 9 miles to the southeast corner of Sec. 32, T. 11 N., R. 31 E.W.M.; thence west about 1 mile to the southwest corner of said Sec. 32; thence north about 6 miles to the southeast corner of Sec. 31, T. 12 N., R. 31 E.W.M.; thence west about 0.73 mile to the southwest corner of said Sec. 31; thence north about 6 miles to the northwest corner of Sec. 6, T. 12 N., R. 31 E.W.M.; thence north 45° east about ((8.6 miles to the southeast corner of Sec. 36, T. 14 N., R. 31 E.W.M.; thence north about 6 miles to the northeast corner of Sec. 1, said township and range; thence west about 3 miles to the southwest corner of Sec. 34, T.

15 N., R. 31 E.W.M.; thence north about 7 miles to the northeast corner of Sec. 33, T. 16 N., R. 31 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 31, said township and range; thence about 1 mile south to the southwest corner of said Sec. 31; thence west about 1:5 miles to the intersection of the south line of the SW1/4SE1/4 of Sec. 35, R. 16 N., R. 30 E.W.M. and)) 4 miles to the southeast corner of Sec. 10, T. 13 N., R. 31 E.W.M.; thence west about 4 miles to the southwest corner of Sec. 7, T. 13 N., R. 31 E.W.M.; thence north about 7.75 miles to the centerline of the East Low Canal; thence northerly along said canal centerline about 16.5 miles to intersection with the north line of Sec. 17, T. 17 N., R. 30 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 13, T. 17 N., R. 29 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 13; thence west about 9 miles to the northwest corner of Sec. 21, T. 17 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 21; thence west about 15 miles to the southwest corner of Sec. 24, T. 17 N., R. 25 E.W.M.; thence north about one mile to the northwest corner of said Sec. 24; thence west about 9 miles to the southeast corner of Sec. 17, T. 17 N., R. 24 E.W.M.; thence north about 1 mile to northeast corner of said Sec. 17; thence west about 4 miles to the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M., said point being the point of beginning.

WSR 85-23-080 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special education programs—Education for all handicapped children, chapter 392–171 WAC;

that the agency will at 9:00 a.m., Thursday, January 9, 1986, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 16, 1986

The authority under which these rules are proposed is RCW 28A.13.070(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 9, 1986.

Dated: November 20, 1985

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-171 WAC, Special education programs—Education for all handicapped children.

Rule Section(s): WAC 392-171-315 Definition of special education; 392-171-351 General assessment safeguards; 392-171-358 Communication disordered students; 392-171-366 Summary analysis of assessment data; 392-171-371 Independent educational assessment; 392-171-512 Reassessment—Requirement; 392-171-513 Reassessment—Notice requirement; 392-171-514 Reassessment—Purposes; 392-171-516 Reassessment—Notice of results; 392-171-517 Reassessment—Three-

year requirement; 392-171-518 Reassessment—Appropriate identification or classification; 392-171-519 Reassessment—Appropriatness of program; 392-171-531 Right to initiate; and 392-171-706 Transportation.

Statutory Authority: RCW 28A.13.070(7).

Purpose of the Rule(s): To set forth substantive and procedural requirements for the receipt of categorical funds for special education.

Summary of the New Rule(s) and/or Amendments: WAC 392-171-315 amends definition of "physical therapy" by eliminating reference to "maximum" and student's "capability"; 392-171-351 sets forth composition of reassessment team; 392-171-358 corrects code citation: 392-171-366 corrects code citation: 392-171-371 (1)(a) corrects code citation; 392-171-371 (2)(b) reference to appeal procedure stricken to reflect previous code change from two-tier to single tier hearing procedure and change to correct code citation; 392-171-512 sets forth when a child is to be reassessed; 392-171-513 sets forth the notice requirement when a child is reassessed: 392-171-514 sets forth the purposes of reassessment; 392-171-516 sets forth the notice requirements when reassessment has been completed; 392-171-517 sets forth procedural and substantive requirements of the three year reassessment requirement; 392-171-518 sets forth procedural and substantive requirements if reassessment is the result of doubt regarding identification or classification; 392-171-519 sets forth procedural and substantive requirements if reassessment is the result of doubt regarding appropriateness of program; 392-171-531 (2)(a) eliminates oral request for hearing; 392-171-531(3) sets forth procedure for school district to request hearing; and 392-171-706 clarifies responsibility for transportation of students when placement in residential school operated by DSHS.

Reasons Which Support the Proposed Action(s): Clarification of agency policy and to establish new procedures for reassessment of students.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Greg Kirsch, SPI, 3-6733; and Enforcement: Judy Schrag, SPI, 4-1842.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action:

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-315 DEFINITION OF "SPECIAL EDUCATION." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a handicapped student, including classroom and itinerant instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes communication disorders services, physical and occupational therapy, orientation and mobility instruction, and audiology. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student.

The terms in the definition of "special education" are defined as follows:

- (1) "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.
- (2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.
 - (3) "Physical education" means the development of:
 - (a) Physical and motor fitness;
 - (b) Fundamental motor skills and patterns; and
- (c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

- (4) "Career development" means instructional activities infused into a student's education program which make provision for career awareness, career exploration and career preparation for all occupations.
- (5) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.
- (6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.
- (7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.
- (8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for visually handicapped students.
- (9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining ((maximum)) performance ((within the student's capability)).
- (10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

AMENDATORY SECTION (Amending Order 84-19, filed 6/28/84)

WAC 392-171-351 GENERAL ASSESSMENT SAFE-GUARDS—PERSONNEL, MATERIALS AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

- (1) The initial assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall consist of a representative from each professional area involved in the initial and any subsequent assessment of a student. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: PROVIDED, That in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team at least three members:
- (a) The student's regular education teacher or, if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of his or her age;
- (b) A special education teacher having experience with learning disabled students; and
 - (c) A school psychologist.
- (2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or handicapping condition and/or for determining the appropriate educational program for a student.

- (3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory.
- (4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative
- (5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: PROVIDED, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.
- (6) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as ((best)) to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).
- (7) In conducting assessment activities, appropriate assessment team members shall:
- (a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous screening and assessment results, health reports, relevant cumulative records and recommendations of related service providers; and
- (b) Conduct current assessment activities required by this chapter and in accordance with the procedures specified herein; and
- (c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.
- (8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: PROVIDED, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-358 COMMUNICATION DISORDERED STUDENTS—ASSESSMENT. Students who are suspected of having a communication disorder as their only handicap shall be assessed by a qualified communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC 392-171-351 (((6)))(8).

AMENDATORY SECTION (Amending Order 84-19, filed 6/28/84)

WAC 392-171-366 SUMMARY ANALYSIS OF ASSESS-MENT DATA. (1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351 (((6))(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts

and/or reasons resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

- (a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;
- (b) Identify the handicapping condition(s), if any, that qualifies the student as a handicapped student;
- (c) Set forth the nature and extent of the special education and related services that the student needs, if any;
- (d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;
- (c) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a child's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

- (f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, learning modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; and
- (g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).
- (2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.
- (3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:
- (a) The relevant behavior noted during observation(s) of the student, including the relationship of that behavior to the student's academic problem(s) in the regular education program;
- (b) A summary, if applicable, of previous intervention attempts and results; and
- (c) The educationally relevant medical findings, if any, including the results of a current vision and hearing screening.
- (4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-371 INDEPENDENT EDUCATIONAL ASSESSMENT. (1) General.

- (a) The parent(s) of a student (or the adult student) made a focus of concern and assessed ((pursuant to WAC 392-171-341 through 392-171-366)) or any student reassessed ((pursuant to WAC 392-171-516)) has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.
- (b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.
 - (c) For the purposes of this section:
- (i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and
- (ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).
- (2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student)

disagrees with the assessment results obtained by the school district, as follows:

- (a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:
- (i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and
- (ii) Requests an independent educational assessment at public expense;
- (b) The school district shall have the prior opportunity to initiate and conduct a hearing (((and appeal))) pursuant to WAC ((392-171-521)) 392-171-531 et seq. to show that its assessment is appropriate: PROVIDED, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;
- (c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and
- (d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.
- (3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:
- (a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and
- (b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.
- (4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

NEW SECTION

WAC 392-171-512 REASSESSMENT—REQUIREMENT. Each identified handicapped child shall be reassessed in accordance with the assessment procedures specified in WAC 392-171-351 through 392-171-366 by the multidisciplinary team provided for in WAC 392-171-351 as follows:

- (1) At a minimum, once every three years or more frequently if required by this chapter.
- (2) Upon request of the child's parent (or adult student), teacher, or individualized education program committee.

NEW SECTION

WAC 392-171-513 REASSESSMENT—NOTICE REQUIRE-MENT. Prior to conducting the reassessment the district shall provide written notice to parents (or adult student). Such notice for reassessment shall include:

- (1) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request. If upon request, the notice shall include the source of and reasons for such request;
- (2) A statement that the student's records will be reviewed as a part of the reassessment and that the parents (or adult student) have the right to submit to the multidisciplinary team any records they deem important to the reassessment;
- (3) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures;
- (4) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 392-171-351.

NEW SECTION

WAC 392-171-514 REASSESSMENT—PURPOSES. The purposes of reassessment of identified handicapped children are to determine one or more of the following:

(1) Whether the child is appropriately identified as handicapped or appropriately classified as possessing one or more particular handicapping conditions, including any suspected handicapping conditions;

- (2) Whether the program designed for the child is appropriate to meet the child's unique needs, abilities, and limitations; and
- (3) Whether the child meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

AMENDATORY SECTION (Amending Order 84-19, filed 6/28/84)

WAC 392-171-516 REASSESSMENT-NOTICE OF RE-SULTS. ((Each handicapped student shall be reassessed in compliance with assessment procedures as specified in WAC 392-171-341 (3) and (4) through 392-171-366 of this chapter at least once every three years, or more frequently if conditions warrant, if otherwise required by this chapter, or if the student's parent(s), teacher, or IEP committee requests a reassessment. The district shall provide written notice to the parent(s) of a student (or to the adult student) prior to conducting the reassessment. The notice shall comply with the notice requirement of WAC 392-171-521 and 392-171-526.))

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one of the following decisions:

(1) The ((student continues to meet initial eligibility criteria documenting the presence of a handicapping condition(s) and is in need of continuing special education and related services; or)) child is appropriately or inappropriately identified as handicapped.

(2) The ((student no longer meets initial eligibility criteria but needs to continue to receive special education and related services; or)) child is appropriately or inappropriately classified as possessing a particular handicapping condition.

(3) The ((student no longer meets initial eligibility criteria and no longer needs to receive special education and related services)) program designed for the child is or is not appropriate to the child's unique needs, abilities, and limitations.

(4) The child meets or does not meet the continuing eligibility re-

quirement of WAC 392-171-325(3) or 392-171-331.

In accordance with WAC 392-171-521, the parent (or adult student) shall be notified pursuant to the content of notice prescribed in WAC 392-171-526 of the school district's decision within ten calendar days following the completion of the reassessment. When continued placement is indicated, an ((HEP)) individualized education program committee meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

NEW SECTION

WAC 392-171-517 REASSESSMENT—THREE-YEAR RE-QUIREMENT. If the reassessment is the result of the three-year reassessment requirement, the multidisciplinary team shall determine the following:

- (1) Is there a reasonable doubt that the child is appropriately identified or appropriately classified? If so, the multidisciplinary team shall follow the procedures specified in WAC 392-171-518.
- (2) Is there a reasonable doubt that the current program is appropriate to the child's unique needs, abilities, or limitations? If so, the multidisciplinary team shall follow the procedures specified in WAC 392-171-519.
- (3) Does the child meet the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331? In making such determination, the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment process used for the determination of continuing eligibility.
- (4) What assessment procedures, if any, should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable certainty that the reassessment results are accurate? In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

NEW SECTION

REASSESSMENT—APPROPRIATE WAC 392-171-518 IDENTIFICATION OR CLASSIFICATION. If the reassessment is upon request of the child's parent (or adult student), teacher, or individualized education program committee and concern is stated by the requestor that the child is or may be inappropriately identified as handicapped or inappropriately classified as possessing a particular handicapping condition, the reassessment process shall address each component of the eligibility criteria for the identical or suspected handicapping condition pursuant to WAC 392-171-381 through 392-171-451 and the assessment procedures stated therein unless the multidisciplinary team determines that the replication of a particular assessment procedure is not necessary for one of the following reasons:

- (1) There is no reasonable doubt that previous assessment procedures were conducted accurately;
- (2) That a particular assessment procedure is unnecessary to determine the possibility of an inappropriate identification or inappropriate classification:
- (3) That an alternative assessment procedure is more or equally appropriate to assess the accuracy of the identification or classification.

NEW SECTION

WAC 392-171-519 REASSESSMENT—APPROPRIATENESS OF PROGRAM. If the reassessment is upon the request of the child's parent (or adult student), teacher, or individualized education program committee and concern is stated by the requestor that the current program is or may be inappropriate to the child's unique needs, abilities, or limitations, then the assessment procedures utilized to determine the appropriateness of the child's special education and related services program, including recommendations for changes therein, shall be determined by the multidisciplinary team. In making such determination the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-531 RIGHT TO INITIATE—PURPOSES. (1) Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes

- (a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:
 - (i) The identification of the student:
 - (ii) The assessment of the student;
 - (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;
- (b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:
 - (i) The identification of the student;
 - (ii) The assessment of the student;
 - (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;
- (c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.
- (2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:
- (a) Be in writing ((tor it may be oral if expressly permitted by a rule of the school district)));
- (b) Be mailed or provided directly to the superintendent of the school district; and
- (c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.
- (3) A request by a school district for a hearing pursuant to this section shall:
 - (a) Be in writing;
- (b) Be mailed or provided directly to Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504. A copy of such request, including required attachments shall be transmitted to the child's parent(s) (or adult student);
- (c) Have attached to such request a copy of the notice to parent(s) (or adult student) as required by WAC 392-171-521. If the hearing

request by the district is in response to a request for an independent educational assessment pursuant to WAC 392-171-371, the district's written request for a hearing also shall have attached a copy of the written notice to the district required by WAC 392-171-371(2).

(4) A notice of a hearing requested by a child's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

e iimiteu to:

(a) The date, time, and place of the hearing;

- (b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;
- (c) The rights, procedures, and other matters set forth in WAC 392-171-536 through 392-171-576; and
- (d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC 392-171-371.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-706 TRANSPORTATION. (1) Methods. Transportation options for handicapped students shall include the following categories and shall be exercised in the following sequence:

(a) A scheduled school bus;

(b) Contracted transportation, including public transportation; and

- (c) Other transportation arrangements, including that provided by parents((:)): PROVIDED, That board and room cost in lieu of transportation may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.
- (2) Welfare of the student. The transportation of a handicapped student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts.
- (3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.
- (4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications ((as now or hereafter)) contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.
- (5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.
- (6) Discipline of handicapped students during transportation. The discipline of a handicapped student during his or her transportation shall be the responsibility of the transporting district.
- (7) Transportation for state residential school students to and from the residential school and the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.
- (8) Transportation for a state residential school student to and from the residential school and the legal residency of such student shall be the responsibility of the district of residency only if the student's residential placement was made by such district—i.e., an appropriate placement in the least restrictive environment.

WSR 85-23-081 PROPOSED RULES DEPARTMENT OF LICENSING (Board of Medical Examiners)

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners intends to adopt, amend, or repeal rules concerning examinations accepted for reciprocity or waiver, amending WAC 308-52-270;

that the agency will at 9:30 a.m., Friday, January 3, 1986, in the Seattle Marriott, 3201 South 176th Street, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.71.017.

The specific statute these rules are intended to implement is RCW 18.71.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 30, 1985.

Dated: November 20, 1985

By: John H. Keith Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Medical Examiners.

Purpose: WAC 308-52-270 is amended to recognize an equivalent licensure examination administered by the medical council of Canada.

Statutory Authority: RCW 18.71.017.

Summary of Rules: WAC 308-52-270 Examinations accepted for reciprocity or waiver.

Reason Proposed: The amendment to WAC 308-52-270 is proposed because the board has received information that the examinations administered by the medical council of Canada after 1969 are equivalent to the national board examinations.

Responsible Departmental Personnel: Arlene Robertson, Assistant Executive Secretary, 1300 South Quince, Olympia, WA 98504, 234–2205 scan, 753–2205 comm.

Proponents: Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 508, filed 1/18/85)

WAC 308-52-270 EXAMINATIONS ACCEPTED FOR RECIPROCITY OR WAIVER. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license without examination: PROVIDED, That the applicant has not previously failed to pass an examination held in this

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 85-23-082 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd WAC 308-77-040 Issuance of license. Amd

WAC 308-77-045 Expiration of license.

WAC 308-77-065 Tax liability on leased motor vehicles; Ren

that the agency will at 10:00 a.m., Tuesday, December 31, 1985, in the Fourth Floor Conference Room, Highways-Licenses Building, 12th and Jefferson Streets, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 82.38.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 24, 1985.

> Dated: November 20, 1985 Donna M. Stringer Assistant Director Vehicle Services

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Statutory Authority: RCW 82.38.260.

Summary of the Rules: WAC 308-77-040 Issuance of license; 308-77-045 Expiration of license; and 308-77-065 Tax liability on leased motor vehicles.

Purpose and Reason Proposed: The deletion of the sentence in WAC 308-77-040 and the repeal of WAC 308-77-065 are to remove obsolete language which is inconsistent with current law. The amendment of WAC 308-77-045 will allow the department more time to accurately determine who of the licensees are delinquent and therefore not entitled to a license renewal.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donna M. Stringer, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-6914 comm or 234-6914 scan, and H. George Ides, Administrator, Prorate and Fuel Tax Control, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-4565 comm or 234-4565 scan.

Proponents: Washington State Department of Licensing.

Small Business Economic Impact Statement: Not required since these rule changes do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-040 ISSUANCE OF LICENSE. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. ((Any one special fuel tax trip permit cannot be used for more than one entry into the state of Washington.)) The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-045 EXPIRATION OF LICENSE. All special fuel licenses will expire on ((February)) April 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to ((February)) April 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 308-77-065 TAX LIABILITY ON LEASED MOTOR VEHICLES.

WSR 85-23-083 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed November 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning definitions, amending WAC 308-78-010;

that the agency will at 10:00 a.m., Monday, December 30, 1985, in the Fourth Floor Conference Room, Highways-Licenses Building, 12th and Jefferson Streets, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 82.42.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 24, 1985.

Dated: November 20, 1985

By: Donna M. Stringer

Assistant Director

Vehicle Services

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Statutory Authority: RCW 82.42.040.

Summary of the Rules: WAC 308-78-010 Definitions.

Purpose and Reason Proposed: The amendment to WAC 308-78-010 is made so that it conforms with chapter 25, Laws of 1982 1st ex. sess.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donna M. Stringer, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-6914 comm or 234-6914 scan, and H. George Ides, Administrator, Prorate and Fuel Tax Control, Second Floor, Highways-Licenses Building, Olympia, Washington, phone (206) 753-4565 comm or 234-4565 scan.

Proponents: Washington State Department of Licensing.

Small Business Economic Impact Statement: Not required since these rule changes do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-010 DEFINITIONS. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax

at time of acquisition.

(3) "Local service commuter" means an <u>air taxi</u> operator who operates at least five round trips per week between two or more points ((impassenger service)); ((and)) publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted under either an experimental, research and development, or special air-worthiness certificate issued by the FAA or other documented experimental or testing flights including the flight of other aircraft used in the test or experimental flight.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

KEY TO TABLE

Symbols:

AMD = Amendment of existing section NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative Rules Review Committee

RE-AD = Readoption of existing section

REP = Repeal of existing section REAFF = Order assuming and reaffirming rules

REMOV = Removal of rule pursuant to RCW 34.04.050(5) RESCIND = Rescind previous emergency rule

REVIEW = Review of previously adopted rule

STMT = Statement regarding previously adopted rule

Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

-W = Withdrawal of proposed action

No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

| WAC # | | WSR # | WAC # | | WSR # | WAC # | | WSR # |
|------------------------|----------------|------------------------|--------------------------|--------------|------------------------|--------------------------|--------------|------------------------|
| 4-25-040 | AMD-P | 85-02-066 | 16–42–02001 | REP-P | 85-09-061 | 16–230 | AMD-C | 85-17-043 |
| 4-25-040 | AMD-C | 85-06-008 | 16-42-02001 | REP-W | 85-10-020 | 16-230-190 | AMD-P | 85-07-062 |
| 4-25-040 | AMD-C | 85-06-054 | 16-42-02001 | REP | 85-15-024 | 16-230-190 | AMD-C | 85-10-057 |
| 4-25-040 | AMD-E | 85-17-032 | 16-42-022 | NEW-P | 85-09-061 | 16-230-190 | AMD-C | 85-11-052 |
| 4-25-040 | AMD-E | 85-17-074 | 16-42-022 | NEW-W | 85-10-020 | 16-230-190 | AMD | 8512012 |
| 4-25-040 | AMD-P | 85-19-091 | 16-42-022 | NEW | 85-15-024 | 16-230-190 | AMD-P | 85-14-092 |
| 4-25-140 | AMD-P | 85-02-066 | 16-42-025 | AMD-P | 85-09-061 | 16-230-190 | AMD-E | 85-17-065 |
| 4-25-140 | AMD-C | 85-06-008 | 16-42-025 | AMD-W | 85-10-020 | 16-230-190 | AMD | 85-17-066 |
| 4-25-140 | AMD-C | 85-06-054 | 16-42-025 | AMD | 85-15-024 | 16-231 | AMD-C | 85-06-042 |
| 4-25-140 | AMD | 85-11-013 | 16-42-03001 | REP-P | 85-09-061 | 16-231-413 | NEW-P | 85-03-101 |
| 4-25-260 | REP-P | 85-02-066 | 16-42-03001 | REP-W | 85-10-020 | 16-231-413 | NEW | 85-07-029 |
| 4-25-260 | REP-C | 85-06-008 | 16-42-03001 | REP | 85-15-024 | 16-231-613 | NEW-P | 85-03-101 |
| 4-25-260 | REP-C | 85-06-054 | 16-42-035 | AMD-P | 85-09-061 | 16-231-613 | NEW | 85-07-029 |
| 10-04-020 | AMD-P | 85-13-003 | 16-42-035 | AMD-W | 85-10-020 | 16-231-615 | AMD-P | 85-03-101 |
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| 10-04-020 | AMD-C | 85-17-011 | 16-42-04001 | REP-P | 85-09-061 | 16-304-040 | AMD-P | 85-06-051 |
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| 10-08-040 | AMD-C | 85-14-013 | 16-42-045 | REP-W | 85-10-020 | 16-316-215 | AMD-P | 85-06-052 |
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| 10-08-150 | NEW-C | 85-14-013 | 16-42-060 | NEW-P | 85-09-061 | 16-316-270 | AMD | 85-11-004 |
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| 10-08-150 | NEW-C | 85-20-053 | 16-42-060 | NEW | 85-15-024 | 16-316-327 | AMD-P | 85-06-052 |
| 10-08-150 | NEW | 85-22-032 | 16-228 | AMD-C | 85-16-075 | 16-316-327 | AMD | 85-11-004 |
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| 16-42-01001 | REP-P | 85-09-061 | 16-228-265 | AMD | 85-17-044 | 16-316-820 | AMD | 85-11-004 |
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| 16-42-015 | AMD | 85-15-024 | 16-228-280 | REP-P | 85-13-052 | 16-316-911 | AMD-P | 85-07-058 |
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| 16-322-040 | AMD | 85-15-017 | 16-409-075 | AMD-P | 85-03-090 | 16-514-010 | NEW | 85-20-042 |
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| 50-24-100 | AMD | 85-19-052 | 51-12-425 | NEW-P | 85-18-068 | 67-45-020 | REP-P | 85-15-076 |
| 50-44-030 | AMD-P | 85-16-116 | 51-12-426 | NEW-P | 85-18-068 | 67-45-020 | REP | 85-18-047 |
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| 51-12-101 | NEW-P | 85-18-068 | 51-12-601 | NEW-P | 85-18-068 | 67-45-045 | REP-E | 85-15-044 |
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| 51-12-110 | NEW-P | 85-18-068 | 51-16-020 | NEW-P | 85-18-058 | 67–45–060 | REP-P | 85-15-076 |
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| 106-120-003 | NEW | 85-07-032 | 106-120-143 | NEW-P | 85-03-086 | 118-03-310 | AMD | 85-20-062 |
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| 106-120-007 | NEW-P | 85-03-086 | 106-120-220 | REP | 85-07-032 | 120-06-010 | REP-P | 85-11-041 |
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| 106-120-010 | REP | 85-07-032 | 106-120-240 | REP-P | 85-03-086 | 120-06-020 | REP | 85-15-013 |
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| 106-120-020 | REP-P | 85-03-086 | 106-120-700 | REP | 85-07-032 | 120-06-050 | REP-P | 85-11-041 |
| 106-120-020 | REP | 85-07-032 | 106-120-800 | REP-P | 85-03-086 | 120-06-050 | REP | 85-15-013 |
| 106-120-021 | NEW-P | 85-03-086 | 106-120-800 | REP | 85-07-032 | 120-06-060 | REP-P | 85-11-041 |
| 106-120-021 | NEW | 85-07-032 | 106-120-900 | REP-P | 85-03-086 | 120-06-060 | REP | 85-15-013 |
| 106-120-022 | NEW-P | 85-03-086 | 106-120-900 | REP | 85-07-032 | 120-06-070 | REP-P | 85-11-041 |
| 106-120-022 106-120-023 | NEW NEW-P | 85–07–032 85–03–086 | 113–12–005 113–12–005 | REP-E REP-P | 85-16-067 85-16-089 | 120-06-070 120-06-080 | REP REP-P | 85-15-013 |
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| 106-120-023 | NEW-P | 85-03-086 | 114-12-005 | REP-P | 85-10-068 | 120-06-090 | REP-P | 85-11-041 |
| 106-120-024 | NEW | 85-07-032 | 114-12-005 | REP | 85-13-081 | 120-06-090 | REP | 85-15-013 |
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| 140-09-185 | NEW | 85-03-004 | | | 85-09-063 85-09-043 | 173-150 173-150 | | NEW NEW | 85–12–017 85–12–017 |
| 140-09-200 | NEW | 85-03-004 | 173-20-550 A | MD-P | 85-06-065 | 173-150- | -030 | NEW | 85-12-017 |
| 140-09-220 | NEW | 85-03-004 | | | 85-09-043 | 173-150- | | NEW | 85-12-017 |
| 140-09-230 | NEW | 85-03-004 | 173–20–700 A | MD-P | 85–06–065 | 173–150 | -050 | NEW | 85-12-017 |

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| 173-150-070 | NEW | 85-12-017 | 173-400-100 | AMD | 85-06-046 | 177-06-010 | REP | 85-15-012 |
| 173-150-080 | NEW | 85-12-017 | 173-400-115 | AMD | 85-06-046 | 177–06–020 | REP-P | 85-11-042 |
| 173-150-090 | NEW | 85-12-017 | 173-403-030 | AMD | 85-06-047 | 177-06-020 | REP | 85-15-012 |
| 173-150-100 | NEW | 85-12-017 | 173-403-030 | AMD-E | 85-07-011 | 177-08-010 177-08-010 | REP-P REP | 85-11-042 85-15-012 |
| 173-150-110 | NEW | 85-12-017 | 173–403–050 173–403–050 | AMD AMD-E | 85–06–047 85–07–011 | 180-25-010 | AMD-P | 85-20-113 |
| 173-150-120 | NEW NEW | 85-12-017 85-12-017 | 173-403-030 | AMD-E | 85-06-047 | 180-25-025 | AMD-P | 85-20-113 |
| 173-150-130 173-150-140 | NEW | 85-12-017 | 173-403-070 | AMD-E | 85-07-011 | 180-25-030 | AMD-P | 85-20-113 |
| 173-154 | NEW-C | 85-08-033 | 173-403-080 | AMD | 85-06-047 | 180-25-035 | AMD-P | 85-20-113 |
| 173-154-010 | NEW | 85-12-018 | 173-403-080 | AMD-E | 85-07-011 | 180-25-037 | NEW-P | 85-20-113 |
| 173-154-020 | NEW | 85-12-018 | 173-405-021 | AMD | 85-06-048 | 180-25-040 | AMD-P | 85–06–070 85–09–059 |
| 173-154-030 | NEW | 85-12-018 | 173-405-041 | NEW AMD | 85–06–048 85–06–048 | 180-25-040 180-25-040 | AMD AMD-E | 85-09-063 |
| 173-154-040 173-154-050 | NEW NEW | 85-12-018 85-12-018 | 173-410-021 173-410-042 | NEW | 85-06-048 | 180-25-040 | AMD-P | 85-20-113 |
| 173-154-060 | NEW | 85-12-018 | 173-415-020 | AMD | 85-06-048 | 180-25-045 | AMD-P | 85-06-070 |
| 173-154-070 | NEW | 85-12-018 | 173-415-041 | NEW | 85-06-048 | 180-25-045 | AMD | 85-09-059 |
| 173-154-080 | NEW | 85-12-018 | 173-501 | NEW-C | 85-22-042 | 180-25-045 | AMD-E | 85-09-063 |
| 173-154-090 | NEW | 85-12-018 | 173-501-010 | NEW-P | 85-16-112 | 180-25-050 | AMD-P | 85-20-113 |
| 173-154-100 | NEW | 85-12-018 | 173-501-020 | NEW-P | 85-16-112 85-16-112 | 180-25-055 180-25-055 | NEW-P NEW | 85–06–070 85–09–059 |
| 173-154-110 173-216-050 | NEW AMD | 85-12-018 85-04-006 | 173–501–030 173–501–040 | NEW-P NEW-P | 85-16-112 85-16-112 | 180-25-055 | NEW-E | 85-09-063 |
| 173-303-071 | AMD-P | 85-05-047 | 173-501-050 | NEW-P | 85-16-112 | 180-25-055 | AMD-P | 85-20-113 |
| 173–303–071 | AMD | 85-09-042 | 173-501-060 | NEW-P | 85-16-112 | 180-25-200 | NEW-P | 85-20-113 |
| 173-303-9904 | AMD-P | 85-05-047 | 173-501-070 | NEW-P | 85-16-112 | 180-25-990 | NEW-E | 85-16-022 |
| 173-303-9904 | AMD | 85-09-042 | 173-501-080 | NEW-P | 85-16-112 | 180-25-990 | REP-E | 85-20-025 |
| 173-304-010 | NEW-P | 85-14-027 | 173-501-090 | NEW-P NEW-P | 85-16-112 85-16-112 | 180-25-991 180-26-040 | NEW-E AMD-P | 85-20-025 85-20-113 |
| 173-304-010 173-304-011 | NEW NEW-P | 85-22-013 85-14-027 | 173-501-100 173-501-900 | NEW-P | 85-16-112 85-16-112 | 180-26-050 | NEW-P | 85-20-113 |
| 173-304-011 | NEW-F | 85-22-013 | 173-516 | NEW-C | 85-20-054 | 180-26-055 | NEW-P | 85-20-113 |
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| 173-304-195 | NEW-P | 85-14-027 | 173-516-090 | NEW-P | 85-12-050 | 180-27-059 | NEW-P | 85-20-114 |
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| 173-304-200 | NEW-P NEW | 85-14-027 85-22-013 | 174-104-010 174-104-010 | AMD-P AMD | 85-06-074 85-10-049 | 180-27-063 180-27-085 | AMD-P | 85-20-114 85-20-114 |
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| 173-304-300 | NEW | 85-22-013 | 174-107-230 | REP | 85-21-051 | 180-27-115 | AMD-P | 85-20-114 |
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| 173-304-405 | NEW-P | 85-14-027 85-22-013 | 174–107–250 174–107–250 | REP-P REP | 85-14-034 85-21-051 | 180-27-990 180-29-021 | NEW NEW-P | 85-12-040 85-20-115 |
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| 173-304-440 | NEW | 85-22-013 | 174-107-290 | REP | 85-21-051 | 180-33-025 | AMD-P | 85-20-116 |
| 173-304-450 | NEW-P | 85-14-027 | 174-107-300 | REP-P | 85-14-034 | 180-33-030 | AMD-P | 85-20-116 |
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| 173-304-460 | NEW-P | 85-14-027 | 174-107-310 | REP-P | 85-14-034 | 180-33-042 | NEW-P | 85-06-069 |
| 173-304-460 | NEW D | 85-22-013 | 174-107-310 174-107-320 | REP REP-P | 85-21-051 85-14-034 | 180-33-042 180-33-042 | NEW NEW-E | 85-09-060 85-09-064 |
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| 173-304-470 173-304-490 | NEW NEW-P | 85-22-013 85-14-027 | 174-107-350 174-116-040 | AMD | 85–03–048 | 180-38-010 | NEW-P | 85-16-035 |
| 173-304-490 | NEW | 85-22-013 | 174-116-123 | AMD-P | 85-14-112 | 180-38-010 | NEW | 85-20-040 |
| 173-304-600 | NEW-P | 85-14-027 | 174-116-123 | AMD | 85-21-067 | 180-38-020 | NEW-E | 85-16-021 |
| 173-304-600 | NEW | 85-22-013 | 177-04-010 | REP-P | 85-11-042 | 180-38-020 | NEW-P | 85-16-035 |
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| 18038055 | NEW-P | 85-16-035 | 180-78-050 | AMD | 85-04-010 | 192-30-040 | NEW | 85-22-071 |
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| 180-40-227 180-40-227 | AMD-P AMD | 85-06-071 85-09-049 | 180-90-145 180-90-150 | AMD-P AMD-P | 85-20-118 85-20-118 | 192-30-220 192-30-230 | NEW NEW-P | 85-22-071 85-19-066 |
| 180-40-245 | AMD-P | 85-09-058 | 180-90-160 | AMD-P | 85-20-118 | 192-30-230 | NEW | 85-22-071 |
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| 100-72-007 | N.C.I | 00 20 OTI | 1 1/2:20-113 | (A ID AA | 03-21-024 | 1 207-02-020 | INCW-P | 05-17-057 |

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| 204-91-030 | NEW | 85-20-100 | 220-12-020 | AMD | 85-09-017 | 220-28-517 | NEW-E | 85-20-068 |
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| 204-91-120 204-91-120 | NEW-P NEW | 85-17-058 85-20-100 | 220-20-016 220-20-021 | AMD AMD-P | 85-11-020 85-04-065 | 220-32-03000P 220-32-03000Q | REP-E NEW-E | 85-07-002 85-07-002 |
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| 204-91-140 | NEW-P | 85-17-058 | 220-20-02100B | REP-E | 85-09-036 | 220-32-03000S | NEW-E | 85-14-022 |
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| 204-91-150 204-91-150 | NEW-P | 85-20-100 | 220-20-030 | REP-C | 85-13-031 | 220-32-03000T | REP-E | 85-20-014 |
| 204-91-160 | NEW-P | 85-17-058 | 220-20-030 | REP | 85-13-032 | 220-32-03000U | NEW-E | 85-20-014 |
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| 204-91-170 204-91-170 | NEW-P NEW | 85-17-058 85-20-100 | 220-20-03800A 220-22-01000A | REP-E NEW-E | 85-14-060 85-19-018 | 220-32-03000V 220-32-03000V | NEW-E REP-E | 85-20-037 85-21-049 |
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| 204-91-190 | NEW-P | 85-17-058 | 220-22-030 | AMD-C | 85-13-031 | 220-32-03000X | NEW-E | 85-22-052 |
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| 204-93-070 | NEW-P | 85-17-060 | 220-28-501 | NEW-E | 85-10-011 | 220-32-05100M | NEW-E | 85-15-005 |
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| 204-93-080 204-93-080 | NEW-P NEW | 85-17-060 85-20-090 | 220–28–502 220–28–502 | NEW-E REP-E | 85-12-013 85-13-014 | 220–32–05100N 220–32–05100N | NEW-E REP-E | 85-17-025 85-18-029 |
| 204-93-080 | NEW-P | 85-17-060 | 220-28-502 | NEW-E | 85-13-014 | 220-32-05100P | NEW-E | 85-18-029 |
| 204-93-090 | NEW | 85-20-090 | 220-28-503 | REP-E | 85-14-082 | 220-32-05100P | REP-E | 85-18-035 |
| 204-93-100 | NEW-P | 85-17-060 | 220-28-504 | NEW-E | 85-14-082 | 220-32-05100Q | NEW-E | 85-18-035 |
| 204-93-100 204-93-110 | NEW NEW-P | 85-20-090 85-17-060 | 220–28–504 220–28–505 | REP-E NEW-E | 85-15-035 85-15-035 | 220–32–05100Q 220–32–05100R | REP-E NEW-E | 85-19-018 85-19-018 |
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| 204-93-120 | NEW-P | 85-17-060 | 220-28-506 | NEW-E | 85-15-071 | 220-32-05100S | NEW-E | 85-19-058 |
| 204-93-120 | NEW | 85-20-090 | 220-28-506 | REP-E | 85-16-081 | 220-32-05100S | REP-E | 85-20-014 |
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| 220-3-6-03000 NEW-E 81-00-031 220-44-6800 NEW-E 85-04-031 220-46-031 220-3-05000 NEW-E 81-10-031 220-44-08000 NEW-E 81-05-00-011 220-3-05000 NEW-E 81-10-05 220-47-307 AMD-C 81-10-011 220-46-011 NEW-E 85-04-011 NEW-E 85-04- | WAC # | | WSR # | WAC # | | WSR # | WAC # | <u>.</u> | WSR # |
|--|---------------|-------|----------------------|------------|-------|-----------|---------------|----------|-----------|
| 220-3-2-055000 NEW-E 8-1-061 220-44-08000 NEW-E 8-5-1-066 220-47-079 AMD E 220-32-055000 NEW-E 8-1-066 220-47-079 AMD E 220-32-055000 NEW-E 8-1-039 220-47-079 AMD E 220-47-079 AMD E 220-48-015000 NEW-E 8-1-039 220-47-079 AMD E 220-48-015000 NEW-E 8-1-039 220-47-012 AMD E 220-48-015000 NEW-E 8-1-039 220-47-019 AMD E 220-48-015000 NEW-E 8-1-039 220-48-01500 NEW-E 8-2-046 220-47-019 AMD E 220-38-02000 NEW-E 8-2-046 220-47-019 NEW-E 8-1-040 220-47-019 NEW-E 8-1-040 220-47-019 NEW-E 8-1-040 220-47-019 NEW | | | | | | | 220-48-011 | | 85-08-023 |
| 220-32-05500N NEW-E 8-1-4-061 220-47-317 AMD-P 85-08-028 220-48-013 NEW 85-08-023 220-32-05500 NEW-E 85-14-061 220-47-311 AMD-C 85-13-038 220-48-0150 AMD-E 85-08-023 220-32-05500 NEW-E 85-14-038 220-47-311 AMD-C 85-13-038 220-48-0150 NEW-E 85-10-034 220-47-311 AMD-C 85-13-032 220-48-0150 NEW-E 85-12-039 NEW-E 85-1 | | | | | | | | | |
| 220-31-055000 REP-E 8-14-061 220-47-307 AMD-C 85-13-051 270-48-015 AMD-P 85-08-021 220-31-055000 NEW-E 83-14-061 220-47-307 AMD-R 85-08-021 220-48-01500 NEW-E 85-08-021 220-32-03500 NEW-E 85-10-034 220-32-03500 NEW-E 85-12-039 NEW-E 85-12-03500 NEW-E 85-12-0 | | | | | | | | | |
| 220-3-20-55000 NEW-E 8-14-039 220-47-317 AMD 8-13-032 220-48-0150 AMD 8-13-032 220-47-312 AMD 8-13-033 220-47-312 AMD 8-13-033 220-48-01500 NEW-E 8-5-06-0132 220-48-01500 NEW-E 8-5-10-032 220-48-01500 NEW-E 8-5-10-032 NEW-E 8-5- | | | | | | | | | |
| 220-3-6-01000 NEW-E 5-18-018 220-47-311 AMD-F 85-08-018 220-48-01500M NEW-E 85-06-019 220-3-6-02000 NEW-E 85-10-038 220-47-312 AMD-E 85-10-038 220-48-01500M NEW-E 85-06-019 220-3-6-02100 NEW-E 85-10-038 220-47-312 AMD-E 85-10-038 220-48-01500M NEW-E 85-20-038 22 | | | | | | | | | |
| 220-36-0210 | 220-32-05500Q | NEW-E | | | AMD-P | | | NEW-E | |
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| 220-3-6-0210 | | | | | | | | | |
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| 220-3-6-02100V REP-E 85-22-046 | | | | | | | | | |
| 220-36-02100W NEW-E 85-22-046 | | | | | | | | | |
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| 220-36-022 | | | | | | | 220-52-06600G | NEW-E | 85-13-033 |
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| 220-36-0224 AMD | | | | | | | | | |
| 220-36-024 AMD | | | | | | | | | |
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| 220-36-02500P REP-E 85-22-009 220-47-413 AMD 85-13-032 220-56-105 AMD-P 85-03-110 220-36-025000 REP-E 85-22-065 220-47-414 AMD-C 85-03-103 220-56-105 AMD-C 85-09-016 220-36-025000 REP-E 85-22-065 220-47-414 AMD-C 85-03-102 220-56-105 AMD-C 85-09-016 220-36-025000 AMD-C 85-09-022 220-36-02500 AMD-C 85-09-02500 AMD- | | | | | | | | AMD | 85-09-017 |
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| 220-36-02500Q REP-E 85-22-061 220-47-414 AMD-C 85-01-032 220-56-10500B NEW-E 85-09-016 220-36-02500R REP-E 85-12-065 220-47-601 REW-E 85-16-012 220-56-110 AMD-C 85-09-016 220-36-03001 AMD-C 85-04-005 220-47-601 REW-E 85-16-082 220-56-110 AMD-C 85-09-031 220-36-03001 AMD-C 85-04-005 220-47-602 REW-E 85-16-082 220-56-110 AMD-C 85-09-031 220-36-0301 AMD-C 85-04-005 220-47-602 REW-E 85-16-082 220-56-110 AMD-C 85-09-031 220-36-031 NEW-C 85-04-005 220-47-602 REW-E 85-17-099 220-56-115 AMD-C 85-09-016 220-36-031 NEW-C 85-06-032 220-47-603 REP-E 85-17-049 220-56-115 AMD-C 85-09-016 220-36-031 REW-C 85-06-033 220-47-603 REP-E 85-17-049 220-56-115 AMD-C 85-09-016 220-47-604 REP-E 85-18-005 220-56-116 AMD-P 85-08-005 220-47-605 REP-E 85-18-005 220-56-116 AMD-P 85-08-005 220-47-605 REP-E 85-18-014 220-56-116 AMD-P 85-09-016 220-40-021000 REP-E 85-19-068 220-47-606 REW-E 85-18-014 220-56-116 AMD-P 85-08-005 220-47-606 REP-E 85-18-051 220-56-116 AMD-P 85-08-005 220-40-021000 REP-E 85-19-084 220-47-606 REP-E 85-18-051 220-56-116 AMD-P 85-08-005 220-40-021000 REP-E 85-19-044 220-47-606 REP-E 85-18-051 220-56-116 AMD-P 85-08-005 220-40-021000 REP-E 85-19-046 220-47-606 REP-E 85-18-051 220-56-116 AMD-P 85-08-005 220-47-606 REP-E 85-19-095 220-4 | | | | | | | | | |
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| 220-40-030 AMD-C 85-06-032 220-47-616 NEW-E 85-21-041 220-56-185 AMD-C 85-09-016 220-40-030 AMD 85-06-033 220-47-616 REP-E 85-21-071 220-56-185 AMD 85-09-017 220-40-031 NEW-C 85-06-032 220-47-617 NEW-E 85-21-071 220-56-185 AMD-P 85-15-098 220-40-031 NEW-C 85-06-032 220-47-617 REP-E 85-22-011 220-56-185 AMD-P 85-15-098 220-40-031 NEW 85-06-032 220-47-618 NEW-E 85-22-011 220-56-185 AMD 85-18-026 220-44-020 AMD-P 85-04-065 220-47-618 REP-E 85-22-011 220-56-185 AMD 85-18-026 220-44-050 AMD-P 85-04-035 220-47-618 REP-E 85-22-047 220-56-185 AMD 85-18-026 220-44-050 AMD-P 85-04-035 220-47-619 NEW-E 85-22-047 220-56-185 AMD 85-18-026 220-44-050 AMD-P 85-04-035 220-47-619 NEW-E 85-22-047 220-56-185 AMD 85-18-026 220-44-050 AMD-P 85-04-035 220-47-619 NEW-E 85-22-047 220-56-185 AMD 85-18-026 220-56-185 AMD 85-08-025 220-56-185 AMD 85-08-021 220-56-185 AMD 85-09-017 220-56-185 AMD 85-08-025 220-56-185 AMD 85-09-017 220-56-185 AMD 85-08-023 220- | | | | | | 85-21-009 | | | |
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| 220-44-050 AMD-P 85-04-035 220-47-619 NEW-E 85-22-047 220-56-190 AMD-C 85-09-016 220-44-050 AMD 85-07-022 220-47-619 REP-E 85-23-008 220-56-190 AMD-C 85-09-017 220-44-05000N NEW-E 85-09-035 220-47-620 NEW-E 85-23-008 220-56-1900N NEW-E 85-09-020 220-44-05000N REP-E 85-12-031 220-47-620 REP-E 85-23-038 220-56-19000N NEW-E 85-09-020 220-44-05000P NEW-E 85-12-031 220-48-621 NEW-E 85-23-038 220-56-19000N NEW-E 85-15-083 220-44-05000P REP-E 85-15-045 220-47-930 REP-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q NEW-E 85-15-045 220-47-931 NEW-E 85-03-036 220-56-19000R NEW-E 85-17-027 220-44-05000Q REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S REP-E 85-17-027 <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> | | | | | | | | | |
| 220-44-050 AMD 85-07-022 220-47-619 REP-E 85-23-008 220-56-190 AMD 85-09-017 220-44-05000N NEW-E 85-09-035 220-47-620 NEW-E 85-23-008 220-56-19000N NEW-E 85-09-020 220-44-05000N REP-E 85-12-031 220-47-620 REP-E 85-23-038 220-56-19000N NEW-E 85-14-024 220-44-05000P NEW-E 85-12-031 220-48-621 NEW-E 85-23-038 220-56-19000Q NEW-E 85-15-083 220-44-05000P REP-E 85-15-045 220-47-930 REP-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q NEW-E 85-15-045 220-47-931 NEW-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S NEW-E 85-17-027 220-44-05000R NEW-E 85-20-023 220-48-005 AMD 85-08-023 220-56-19000S REP-E 85-17-048 | | | | | | 85-22-047 | | | |
| 220-44-05000N NEW-E 85-09-035 220-47-620 NEW-E 85-23-008 220-56-19000N NEW-E 85-09-020 220-44-05000N REP-E 85-12-031 220-47-620 REP-E 85-23-038 220-56-19000Q NEW-E 85-14-024 220-44-05000P NEW-E 85-12-031 220-48-621 NEW-E 85-23-038 220-56-19000Q NEW-E 85-15-083 220-44-05000P REP-E 85-15-045 220-47-930 REP-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q NEW-E 85-15-045 220-47-931 NEW-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000R REP-E 85-17-027 220-44-05000R NEW-E 85-20-023 220-48-005 AMD 85-08-023 220-56-19000S REP-E 85-17-048 220-44-05000R REP-E 85-20-063 220-48-00500B NEW-E 85-09-011 220-56-19000T NEW-E | | | | | | | | | |
| 220-44-05000N REP-E 85-12-031 220-47-620 REP-E 85-23-038 220-56-19000Q NEW-E 85-14-024 220-44-05000P NEW-E 85-15-045 220-48-621 NEW-E 85-23-038 220-56-19000Q REP-E 85-15-083 220-44-05000P REP-E 85-15-045 220-47-931 NEW-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q REP-E 85-20-023 220-47-931 NEW-E 85-03-036 220-56-19000R REP-E 85-17-027 220-44-05000R REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S NEW-E 85-17-048 220-44-05000R REP-E 85-20-063 220-48-0050B NEW-E 85-09-011 220-56-19000T NEW-E 85-17-048 | | | | | | | | | |
| 220-44-05000P NEW-E 85-12-031 220-48-621 NEW-E 85-23-038 220-56-19000Q REP-E 85-15-083 220-44-05000P REP-E 85-15-045 220-47-930 REP-E 85-03-036 220-56-19000R NEW-E 85-15-083 220-44-05000Q REP-E 85-20-023 220-47-931 NEW-E 85-03-036 220-56-19000R REP-E 85-17-027 220-44-05000R REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S NEW-E 85-17-027 220-44-05000R REP-E 85-20-063 220-48-005 AMD 85-08-023 220-56-19000T NEW-E 85-17-048 220-44-05000R REP-E 85-20-063 220-48-00500B NEW-E 85-09-011 220-56-19000T NEW-E 85-17-048 | 220-44-05000N | REP-E | 85-12-031 | | REP-E | 85-23-038 | | | |
| 220-44-05000Q NEW-E 85-15-045 220-47-931 NEW-E 85-03-036 220-56-19000R REP-E 85-17-027 220-44-05000Q REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S NEW-E 85-17-027 220-44-05000R NEW-E 85-20-023 220-48-005 AMD 85-08-023 220-56-19000S REP-E 85-17-048 220-44-05000R REP-E 85-20-063 220-48-00500B NEW-E 85-09-011 220-56-19000T NEW-E 85-17-048 | | | | | | 85-23-038 | , | | |
| 220-44-05000Q REP-E 85-20-023 220-48-005 AMD-P 85-04-065 220-56-19000S NEW-E 85-17-027 220-44-05000R NEW-E 85-20-063 220-48-00500B NEW-E 85-08-023 220-56-19000S REP-E 85-17-048 220-44-05000R REP-E 85-20-063 220-48-00500B NEW-E 85-09-011 220-56-19000T NEW-E 85-17-048 | | | | | | | | | 85-15-083 |
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| 220-44-05000R REP-E 85-20-063 220-48-00500B NEW-E 85-09-011 220-56-19000T NEW-E 85-17-048 | | | | | | | | | |
| 220-44-05000S NEW-E 85-20-063 220-48-011 AMD-P 85-04-065 220-56-19000T REP-E 85-18-008 | 220-44-05000R | REP-E | 85-20-063 | | NEW-E | 85-09-011 | 220-56-19000T | NEW-E | 85-17-048 |
| | 220-44-05000S | NEW-E | 85-20-063 | 220-48-011 | AMD-P | 85-04-065 | 220-56-19000T | REP-E | 85–18–008 |

| 220-56-19000W REP-E 83-18-007 220-57-1600 AMD-C 85-09-016 220-57-1600 REP-E 83-18-007 220-57-16000 REP-E 83-18-009 220-57-16000 | WAC # | | WSR # | WAC # | | WSR # | WAC # | | WSR # |
|---|---------------|-------|-----------|---------------|-------|-----------|-------------|-------|------------------------|
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| 220-56-19000 REP-E 8-19-010 220-37-160000 REP-E 8-17-026 220-57-502 NEW-P 88-09-010 | | | | 220-57-16000P | | | | | |
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| 220-56-198 | | | | | | | | | |
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| 220-57-15500D NEW-E 85-13-051 220-57-46000N NEW-E 85-18-015 220-69-264 AMD-C 85-09-034 220-57-15500E NEW-E 85-18-015 220-57-465 AMD-P 85-03-110 220-69-264 AMD 85-11-020 | | | | | | | | | |
| 220-57-15500E NEW-E 85-18-015 220-57-465 AMD-P 85-03-110 220-69-264 AMD 85-11-020 | | | | | | | | | |
| 220-57-160 AMD-P 85-03-110 220-57-465 AMD-C 85-09-016 220-69-272 AMD-P 85-07-065 | 220-57-15500E | NEW-E | 85-18-015 | 220-57-465 | | 85-03-110 | 22069-264 | AMD | 85-11-020 |
| | 220–57–160 | AMD-P | 85-03-110 | 220-57-465 | AMD-C | 85-09-016 | 220-69-272 | AMD-P | 85-07-065 |

| 220-69-272 | WAC # | | WSR # | WAC # | | WSR # | WAC # | | WSR # |
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| 220-130-040 NEW 85-04-045 230-30-102 AMD 85-03-024 232-28-210 NEW 85-14-037 220-130-050 NEW 85-04-045 230-30-102 AMD-E 85-03-028 232-28-408 REP-P 85-14-036 220-130-060 NEW 85-04-045 230-30-103 AMD-P 85-17-014 232-28-408 REP-P 85-14-036 230-02-020 AMD 85-03-026 230-30-103 AMD-P 85-17-014 232-28-409 NEW-P 85-18-032 230-04-201 AMD 85-03-024 230-30-103 AMD-P 85-22-006 232-28-409 NEW-P 85-18-032 230-04-201 AMD-E 85-03-028 230-30-104 AMD-P 85-03-024 232-28-409 NEW-P 85-18-032 230-04-201 AMD-P 85-03-028 230-30-104 AMD-E 85-03-024 232-28-409 NEW-P 85-18-032 230-04-201 AMD-P 85-03-028 230-30-104 AMD-E 85-03-028 232-28-507 REP-P 85-12-033 230-04-201 | | | | | AMD | | | | |
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| 296-22-200 AMD-P 85-22-081 296-23-460 AMD-P 85-22-081 296-24-40509 AMD-P 85-05-043 296-22-210 AMD-P 85-22-081 296-23-480 AMD-P 85-22-081 296-24-40509 AMD-P 85-05-043 296-22-215 AMD-P 85-22-081 296-23-485 NEW-P 85-22-081 296-24-47505 AMD-P 85-05-043 296-22-220 AMD-P 85-22-081 296-23-490 AMD-P 85-22-081 296-24-47505 AMD-P 85-05-043 296-22-225 AMD-P 85-22-081 296-23-495 AMD-P 85-22-081 296-24-47505 AMD-P 85-21-100 296-22-235 AMD-P 85-22-081 296-23-50001 AMD-P 85-22-081 296-27-15501 NEW-P 85-21-100 296-22-245 AMD-P 85-22-081 296-23-50002 AMD-P 85-22-081 296-27-15503 NEW-P 85-21-100 296-22-250 AMD-P 85-22-081 296-23-50003 AMD-P 85-22-081 296-27-15505 NEW-P 85-21-100 296-22-250 AMD-P 85-22-081 296-23-50003 AMD-P 85-22-081 296-27-15505 NEW-P 85-21-100 296-22-255 AMD-P 85-22-081 296-23-50004 AMD-P 85-22-081 296-27-16009 AMD-P 85-21-100 296-22-255 AMD-P 85-22-081 296-23-50005 AMD-P 85-22-081 296-30-010 NEW-P 85-21-100 296-22-260 AMD-P 85-22-081 296-23-50006 AMD-P 85-22-081 296-30-010 NEW-P 85-21-085 296-22-265 AMD-P 85-22-081 296-23-50008 AMD-P 85-22-081 296-30-010 NEW 85-03-060 296-22-275 AMD-P 85-22-081 296-23-50008 AMD-P 85-22-081 296-30-010 AMD-P 85-21-085 296-22-275 AMD-P 85-22-081 296-23-50008 AMD-P 85-22-081 296-30-010 AMD-P 85-21-085 296-22-275 AMD-P 85-22-081 296-23-50008 AMD-P 85-22-081 296-30-000 NEW 85-03-060 | | | | | | | | | 85-10-004 |
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| 404 00 00 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | | | | | | | | |
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| 308-13-100 | AMD | 85-04-029 | 308-50-060 | REP-P | 85-06-055 | 308-61-145 | NEW-P | 85-20-119 |
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| 308-26-030 | REP | 85-19-040 | 308-50-310 | AMD-P | 85-19-034 | 308-61-180 | REP-P | 85-20-119 |
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| 308-31-200 308-34-100 | REP-E REP-E | 85-16-052 85-15-104 | 308-51-190 308-52-138 | REP AMD | 85-19-037 85-03-083 | 308-89-010 308-89-020 | NEW NEW-P | 85-21-034 85-10-070 |
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| 308-37-160 308-37-160 | NEW-P NEW | 85-02-062 85-05-040 | 308-52-260 308-52-270 | AMD AMD | 85-03-084 85-03-084 | 308-89-030 308-89-030 | NEW-P NEW | 85-10-070 85-16-088 |
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| 308-37-170 | NEW | 85-05-040 | 308-52-405 | AMD-P | 85-19-089 | 30889040 | NEW | 85-16-088 |
| 308-37-180 308-37-180 | NEW-P NEW | 85-02-062 85-05-040 | 308-52-405 308-52-406 | AMD B | 85-23-043 | 308-89-050 | NEW-P | 85-10-070 |
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| 308-37-190 | NEW | 85-05-040 | 308-52-410 | AMD-P | 85-19-089 | 308-93-010 | AMD-P | 85-16-095 |
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| 308-93-070 | AMD-P | 85-16-095 | 308-99-040 | AMD-P | 85-13-080 | 308-120-800 | NEW-P | 85-07-069 |
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| 308-93-070 308-93-071 | AMD NEW-E | 85-23-066 85-14-079 | 308-99-040 308-99-040 | AMD-E AMD-P | 85-23-064 | 308-122-020 | REMOV | |
| 308-93-071 | NEW-P | 85-16-095 | 308-115-050 | AMD-P | 85-20-124 | 308-122-030 | REMOV | |
| 308-93-071 | NEW-E | 85-19-092 | 308-115-050 | AMD | 85-23-044 | 308-122-210 | REP | 85-06-043 |
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| 308-93-072 | NEW-E | 85-14-079 | 308-115-190 | AMD-P | 85-20-124 | 308-122-630 | NEW-P | 85-16-114 |
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| 308-93-073 | NEW-E | 85-19-092 | 308-115-300 | REP-E | 85-15-108 | 308-122-640 | AMD-P | 85-16-114 |
| 308-93-074 | NEW-E | 85-14-079 | 308-115-300 | REP-P | 85-16-096 | 308-122-650 | NEW | 85-06-044 |
| 308-93-074 | NEW-P NEW-E | 85-16-095 85-19-092 | 308-115-300 308-117-025 | REP NEW-P | 85-19-038 85-18-033 | 308-122-660 308-122-670 | NEW NEW-P | 85-06-044 85-16-114 |
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| 308-93-075 | AMD-P | 85-16-095 | 308-120-170 | AMD-P | 85-07-067 | 308-122-690 | NEW | 85-06-044 |
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| 308-93-076 | NEW-E NEW-P | 85-14-079 85-16-095 | 308-120-300 308-120-300 | AMD-P AMD-C | 85–07–067 85–16–050 | 308-122-710 308-124C-020 | NEW AMD-P | 85-06-043 85-16-051 |
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| 308-93-360 | AMD-E | 85-19-092 | 308-120-365 | AMD-C | 85-16-050 | 308-124H-065 | NEW-P | 85-16-051 |
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| 308-93-620 | AMD-E | 85-14-079 | 308-120-410 | AMD-C | 85-16-050 | 308-138-300 | AMD-P | 85-19-090 |
| 308-93-620 308-93-620 | AMD-P | 85-16-095 85-19-092 | 308-120-410 308-120-420 | AMD-P AMD-P | 85-20-077 85-07-067 | 308-138-300 308-150 | AMD AMD-P | 85-22-016 85-22-079 |
| 308-93-620 | AMD-E AMD | 85-23-066 | 308-120-420 | AMD-C | 85-16-050 | 308-150-009 | AMD-P | 85-22-079 |
| 308-93-650 | AMD-E | 85-14-079 | 308-120-420 | AMD-P | 85-20-077 | 308-150-012 | REP-P | 85-22-079 |
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| 308-171-300 308-171-301 | NEW NEW-P | 85-05-008 85-07-070 | 314-16-220 | REVIEW | 85-12-054 | 315-04-200 | AMD | 85-16-031 |
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| 390-32-010 | AMD | 85-22-029 | 392-125-020 | AMD | 85-15-111 | 392-140-060 | REP-P | 85-21-097 |
| 390–32–020 | AMD-P | 85-18-034 | 392-125-030 | AMD-P | 85-13-071 | 392-140-061 | AMD-P | 85-21-097 |
| 390–32–020 390–32–030 | AMD AMD-P | 85-22-029 85-18-034 | 392-125-030 392-125-035 | AMD AMD–P | 85-15-111 85-13-071 | 392-140-062 392-140-063 | AMD-P AMD-P | 85-21-097 85-21-097 |
| 390-32-030 | AMD | 85-22-029 | 392-125-035 | AMD-F | 85-15-111 | 392-140-063 | AMD-P AMD-P | 85-21 - 097 85-21 - 097 |
| 390-32-040 | REP-P | 8518034 | 392-125-036 | AMD-P | 85-13-071 | 392-140-065 | NEW-P | 85-21-097 |
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| 202 140 066 | NEW D | 85-21-097 | 392–196–035 | NEW | 85-21-052 | 399–30–020 | NEW-P | 85-21-083 |
| 392-140-066 392-171-315 | NEW-P AMD-P | 85-21-097 85-23-080 | 392-196-033 | NEW-P | 85-17-023 | 399-30-020 | NEW-E | 85-21-084 |
| 392-171-313 | AMD-P | 85-23-080 | 392-196-040 | NEW-E | 85-17-024 | 399-30-030 | NEW-P | 85-21-083 |
| 392-171-358 | AMD-P | 85-23-080 | 392-196-040 | NEW | 85-21-052 | 399-30-030 | NEW-E | 85-21-084 |
| 392-171-366 | AMD-P | 85-23-080 | 392-196-045 | NEW-P | 85-17-023 | 399-30-040 | NEW-P | 85-21-083 |
| 392-171-371 | AMD-P | 85-23-080 | 392–196–045 | NEW-E | 85-17-024 | 399-30-040 | NEW-E | 85-21-084 |
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| 392-171-517 | NEW-P | 85-23-080 | 392-196-055 | NEW-P | 85-17-023 | 399-40-010 | NEW-P | 85-21-083 |
| 392-171-518 | NEW-P | 85-23-080 | 392-196-055 | NEW-E | 85-17-024 | 399-40-010 | NEW-E | 85-21-084 |
| 392-171-519 | NEW-P | 85-23-080 | 392-196-055 | NEW | 85-21-052 | 399-40-020 | NEW-P | 85-21-083 |
| 392-171-531 | AMD-P | 85-23-080 | 392–196–060 | NEW-P NEW-E | 85-17-023 85-17-024 | 399–40–020 400–04–010 | NEW-E NEW-P | 85-21 - 084 85-22 - 075 |
| 392-171-706 392-182-005 | AMD-P NEW | 85–23–080 85–21 <i>–</i> 077 | 392–196–060 392–196–060 | NEW-E | 85-21-052 | 400-04-020 | NEW-P | 85-22 - 075 |
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| 392-183-005 | NEW-P | 85-17-006 | 392-196-070 | NEW-P | 85-17-023 85-17-024 | 400-04-680 | NEW-P NEW-P | 85-22-075 85-22-075 |
| 392-183-005 | NEW-E NEW-P | 85-17-008 85-17-006 | 392-196-070 392-196-070 | NEW-E NEW | 85-21-052 | 400-04-902 400-04-910 | NEW-P | 85–22 – 075 |
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| 392-183-020 | NEW-E | 85-17-008 | 392-196-080 | NEW-E | 85-17-024 | 400-06-050 | NEW-P NEW-P | 85–22–076 85–22–076 |
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| 392-193-020 392-193-020 | NEW-E NEW | 85-17-007 85-21-043 | 392-210-003 | NEW-P | 85-21-098 | 400-06-150 | NEW-P | 85-22-076 |
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| 392-193-025 | NEW-E | 85-17-007 | 392-210-020 | NEW-P | 85-21-098 | 400-06-170 | NEW-P | 85-22-076 |
| 392-193-025 | NEW | 85-21-043 | 392-210-025 | NEW-P | 85-21-098 | 400-06-180 | NEW-P | 85-22-076 |
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| 392-193-035 | NEW-P | 85-17-005 | 392-210-045 | NEW-P | 85-21-098 | 419-14-040 | AMD | 85-07-009 |
| 392-193-035 | NEW-E | 85-17-007 | 392-210-050 | NEW-P | 85-21-098 | 419-14-075 | AMD-E | 85-03-023 |
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| 392-196-010 | NEW-E | 85-17-024 | 399–20–060 | NEW-P | 85-21-083 | 434–15–010 | NEW | 85-13-017 |
| 392-196-010 | NEW | 85-21-052 | 399-20-060 | NEW-E | 85-21-084 85-21-083 | 434-15-020 434-15-020 | NEW-P NEW | 85-10-063 |
| 392-196-015 392-196-015 | NEW-P NEW-E | 85-17-023 85-17-024 | 399–20–070 399–20–070 | NEW-P NEW-E | 85-21-083 85-21-084 | 434-15-030 | NEW-P | 85-13-017 85-10-063 |
| 392-196-015 392-196-015 | NEW-E NEW | 85-21-052 | 399-20-070 | NEW-P | 85-21-083 | 434-15-030 | NEW | 85-13-017 |
| 392-196-020 | NEW-P | 85-17-023 | 399-20-080 | NEW-E | 85-21-084 | 434-15-040 | NEW-P | 85-10-063 |
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| 392-196-025 392-196-025 | NEW-P NEW-E | 85-17-023 85-17-024 | 399-20-100 399-20-100 | NEW-P NEW-E | 85-21-083 85-21-084 | 434-15-050 434-15-060 | NEW-P | 85-13-017 85-10-063 |
| 392-196-025 392-196-025 | NEW-E | 85-21-052 | 399-20-110 | NEW-P | 85-21-083 | 434-15-060 | NEW | 85-13-017 |
| 392-196-030 | NEW-P | 85-17-023 | 399-20-110 | NEW-E | 85-21-084 | 434-15-070 | NEW-P | 85-10-063 |
| 392-196-030 | NEW-E | 85-17-024 | 399-20-120 | NEW-P | 85-21-083 | 434-15-070 | NEW | 85-13-017 |
| 392–196–030 | NEW | 85-21-052 | 399-20-120 | NEW-E | 85-21-084 | 434-15-080 | NEW-P NEW | 85-10-063 85-13-017 |
| 392-196-035 392-196-035 | NEW-P NEW-E | 85-17-023 85-17-024 | 399-30-010 399-30-010 | NEW-P NEW-E | 85-21-083 85-21-084 | 434–15–080 434–15–090 | NEW-P | 85-13-017 85-10-063 |
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| 434-15-100 434-15-100 | NEW-P NEW | 85-10-063 85-13-017 | 448-12-310 448-12-320 | NEW NEW-P | 85–08–012 85–05–041 | 458-08-150 | NEW-P | 85–16–100 |
| 434-15-110 | NEW-P | 85-10-063 | 448-12-320 | NEW | 85–03–041 85–08–012 | 458-08-150 458-08-150 | NEW-E NEW-C | 85-16-101 85-19-069 |
| 434–15–110 | NEW | 85-13-017 | 448-12-330 | NEW-P | 85-05-041 | 458-08-150 | NEW-C | 85-22-005 |
| 434-15-120 | NEW-P NEW | 85-10-063 85-13-017 | 448-12-330 448-12-340 | NEW NEW-P | 85-08-012 | 458-08-150 | NEW | 85-23-049 |
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| 434-15-130 | NEW | 85-13-017 | 458-08-010 | NEW-P | 85~16~100 | 458-08-160 | NEW-C | 85-19-069 |
| 434–15–140 | NEW-P NEW | 85-10-063 85-13-017 | 458-08-010 458-08-010 | NEW-E NEW-C | 85-16-101 | 458-08-160 | NEW-C | 85-22-005 |
| 434-15-140 434-15-150 | NEW-P | 85–13–017 85–10–063 | 458-08-010 | NEW-C | 85-19-069 85-22-005 | 458-08-160 458-08-170 | NEW NEW-P | 85-23-049 85-16-100 |
| 434-15-150 | NEW | 85-13-017 | 458-08-010 | NEW | 85-23-049 | 458-08-170 | NEW-E | 85-16-101 |
| 434-15-990 | NEW-P NEW | 85-10-063 | 458-08-020 | NEW-P | 85-16-100 | 458-08-170 | NEW-C | 85-19-069 |
| 434-15-990 434-15-99001 | NEW-P | 85-13-017 85-10-063 | 458-08-020 458-08-020 | NEW-E NEW-C | 85-16-101 85-19-069 | 458-08-170 458-08-170 | NEW-C NEW | 85-22-005 85-23-049 |
| 434–15–99001 | NEW | 85-13-017 | 458-08-020 | NEW-C | 85-22-005 | 458-08-180 | NEW-P | 85-16-100 |
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| 434-57-030 434-57-030 | NEW-P NEW | 85–14–115 85–18–003 | 458-08-030 458-08-030 | NEW-P NEW-E | 85-16-100 85-16-101 | 458-08-180 458-08-180 | NEW-C NEW-C | 85-19-069 85-22-005 |
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| 440-44-035 | AMD-P | 85-09-054 | 458-08-030 | NEW-C | 85-22-005 | 458-08-190 | NEW-P | 85-16-100 |
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| 440-44-050 | AMD-P | 85-09-054 | 458-08-040 | NEW-C | 85-19-069 | 458-08-190 | NEW | 85-23-049 |
| 440–44–050 440–44–050 | AMD AMD–P | 85-13-007 85-15-022 | 458-08-040 458-08-040 | NEW-C NEW | 85-22-005 85-23-049 | 458-08-200 458-08-200 | NEW-P NEW-E | 85-16-100 85-16-101 |
| 440-44-050 | AMD-E | 85-16-064 | 458-08-050 | NEW-P | 85-16-100 | 458-08-200 | NEW-C | 85-19-069 |
| 440-44-050 | AMD | 85-20-021 | 458-08-050 | NEW-E | 85-16-101 | 458-08-200 | NEW-C | 85-22-005 |
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| 446-50-080 | AMD-P | 85-16-003 | 458-08-100 | NEW-C | 85-19-069 | 458-08-250 | NEW | 85-23-049 |
| 446-50-080 | AMD | 85-20-070 | 458-08-100 | NEW-C | 85-22-005 | 458-08-260 | NEW | 85-23-049 |
| 448-12-210 448-12-210 | NEW-P NEW | 85–05–041 85–08–012 | 458-08-100 458-08-110 | NEW NEW-P | 85-23-049 85-16-100 | 458-08-270 458-12-250 | NEW REPP | 85-23-049 85-18-022 |
| 448-12-220 | NEW-P | 85-05-041 | 458-08-110 | NEW-E | 85-16-101 | 458-12-250 | REP | 85-22-083 |
| 448-12-220 | NEW D | 85-08-012 | 458-08-110 | NEW-C | 85-19-069 | 458-12-255 | REP-P | 85-18-022 |
| 448-12-230 448-12-230 | NEW-P NEW | 85–05–041 85–08–012 | 458-08-110 458-08-110 | NEW-C NEW | 85-22-005 85-23-049 | 458-12-255 458-12-260 | REP REP-P | 85-22-083 85-18-022 |
| 448-12-240 | NEW-P | 85-05-041 | 458-08-120 | NEW-P | 85-16-100 | 458-12-260 | REP | 85-22-083 |
| 448-12-240 | NEW D | 85-08-012 | 458-08-120 | NEW-E | 85–16–101 | 458-12-265 | REP-P | 85-18-022 |
| 448-12-250 448-12-250 | NEW-P NEW | 85-05-041 85-08-012 | 458-08-120 458-08-120 | NEW-C NEW-C | 85-19-069 85-22-005 | 458-12-265 458-14-040 | REP AMD-P | 85–22–083 85–14–003 |
| 448-12-260 | NEW-P | 85-05-041 | 458-08-120 | NEW | 85-23-049 | 458-14-040 | AMD | 85-17-016 |
| 448-12-260 | NEW NEW-P | 85–08–012 85–05–041 | 458-08-130 | NEW-P | 85-16-100 | 458-14-045 | AMD-P | 85-14-003 |
| 448-12-270 448-12-270 | NEW-P | 85-05-041 85-08-012 | 458-08-130 458-08-130 | NEW-E NEW-C | 85-16-101 85-19-069 | 458-14-045 458-14-045 | AMD-E AMD | 85-14-004 85-17-016 |
| 448-12-280 | NEW-P | 85-05-041 | 458-08-130 | NEW-C | 85-22-005 | 458-14-092 | AMD-P | 85-14-003 |
| 448-12-280 448-12-290 | NEW NEW-P | 85-08-012 85-05-041 | 458-08-130 458-08-140 | NEW NEW-P | 85-23-049 85-16-100 | 458-14-092 | AMD B | 85-17-016 |
| 448-12-290 | NEW-F | 85–03–041 85–08–012 | 458-08-140 | NEW-P | 85-16-101 | 458–14–152 458–14–152 | AMD-P AMD-E | 85-14-003 85-14-004 |
| 448-12-300 | NEW-P | 85-05-041 | 458-08-140 | NEW-C | 85-19-069 | 458-14-152 | AMD | 85-17-016 |
| 448-12-300 | NEW | 85-08-012 | 458-08-140 | NEW-C | 85-22-005 | 458–16–110 | AMD-C | 85–02–060 |

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| 458-16-110 | AMD | 85-05-025 | 460-20A-220 | AMD-P | 85-19-070 | 460–90A–115 | NEW | 85-12-021 |
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